

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

**APPENDIX TO DEFENDANTS' OPPOSITION TO CLASS PLAINTIFFS'
CORRECTED MOTION TO EXCLUDE THE TESTIMONY OF JOHN FIEBIG**

In accordance with Court Procedure 7(B)(3), Moving Defendants submit this Appendix in support of their Opposition to Class Plaintiffs' Corrected Motion to Exclude the Testimony of John Fiebig, which is filed concurrently herewith. Moving Defendants rely on the following evidence to support their motion:

Ex.	Description
1.	Excerpts of the Deposition of John Fiebig taken on November 16, 2023
2.	AICPA Code of Professional Conduct 1.300.001 (Effective December 15, 2014)
3.	Excerpts of the Deposition of Jeffrey Knupp (TPH 30(b)(6)) taken on June 14, 2023
4.	Project Amberjack Technical Review Presentation dated June 2, 2017 (DEF-36)
5.	Excerpts of the Deposition of D. Paul Regan taken on November 2, 2023

Dated: January 19, 2024

Respectfully submitted,

By /s/ J. Christian Word

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CERTIFICATE OF SERVICE

I certify that on January 19, 2024, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ J. Christian Word

J. Christian Word

EXHIBIT 1

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF TEXAS

3 HOUSTON DIVISION

4 IN RE: ALTA MESA)

5 RESOURCES, INC.,) CASE NO. 4:19-cv-00957

6 SECURITIES LITIGATION)

7
8
9
10 *****

11 VIDEOTAPED ORAL DEPOSITION OF

12 JOHN P. FIEBIG

13 NOVEMBER 16, 2023

14 *****

15
16
17 On the 16th day of November, 2023, at 8:59 a.m.,
18 the videotaped oral deposition of the above-named
19 witness was taken at the instance of the Class
20 Plaintiffs, before Michelle L. Munroe, Certified
21 Shorthand Reporter in and for the State of Texas, at
22 Kirkland & Ellis LLP, 4550 Travis Street, Suite 1200,
23 Dallas, Texas, pursuant to Notice and the agreement
24 hereinafter set forth.
25

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 Miranda Glover, Video Technician

1 A. I do not.

2 Q. And are there any continuing education or
3 certifications you are required to obtain to stay up
4 to date as an accounting professional?

5 A. Yes. I take regular CPE. I have for, you
6 know, all of my career since the beginning in all
7 various types of topics; auditing, accounting,
8 internal controls, oil and gas accounting,
9 throughout. I generally receive, you know, minimum
10 of 40 hours a year.

11 Q. Okay. Your CV makes no reference to any
12 publications.

13 Have you ever been published before?

14 A. I think we provided you with a -- some
15 recent documents from a company called GAAP Dynamics
16 where I contributed to their eBook, if you will.
17 That's really the extent of it.

18 Q. Have you ever been published in any
19 journals under a peer-review process?

20 A. No.

21 Q. Let's work through -- walk through your
22 work experience now.

23 A. Okay.

24 Q. Your CV lists during the years 1987 to
25 2002 and then 2002 to 2004, Ernst & Young and Arthur

1 Andersen.

2 So am I correct in reading this that your
3 first job out of Oklahoma State University was at
4 Arthur Andersen?

5 A. That's correct.

6 Q. Okay. And thereafter you were employed by
7 Ernst & Young; is that correct?

8 A. Yes, as a partner.

9 Q. Okay. And you provide some bullet points
10 as to the work you did in both firms as an audit
11 partner and a senior audit manager; is that correct?

12 A. That's correct.

13 Q. Would you agree with me that none of the
14 bullet points involved forensic accounting work?

15 A. That's correct.

16 Q. And tell me, what is your understanding as
17 to the difference between auditing and forensic
18 accounting?

19 A. I think it's generally the -- the purpose
20 of the -- of the procedures you're performing, the
21 purpose of the engagement in terms of, while it
22 includes a lot of the same type of principles,
23 auditing has its own standards, forensics has its,
24 but they're all kind of in the same area of
25 expertise, I think, as it relates to identifying,

1 evaluating evidence and information.

2 Q. Did you do any forensic accounting work at
3 Arthur Andersen?

4 A. I don't believe so.

5 Q. How about at Ernst & Young?

6 A. No.

7 Q. In your time at Arthur Andersen and Ernst
8 & Young, for the audits that you conducted for
9 various public and private companies, wasn't it true
10 that, in general, you relied upon the public or
11 private company that you audited to provide you with
12 all the information, materials in which you based
13 your audit on?

14 A. I think in general that's correct, that we
15 would have our list of items that we requested from
16 them, and then we would expect them to provide the
17 information that we had requested.

18 Q. You didn't have subpoena power with
19 respect to any of your audit clients, right?

20 A. No.

21 Q. Okay. And you didn't have access during
22 any of the audits you participated in to nonpublic
23 documents produced or in litigation involving the
24 audit client, did you?

25 A. I'm sorry, I didn't hear the first part of

1 that. Can you ask it again?

2 Q. Sure. You didn't have access during the
3 audits that you participated in to nonpublic
4 documents produced during litigation involving the
5 audit client?

6 A. I don't recall. I don't recall that I
7 have or -- probably didn't make that distinction at
8 the time or was aware of it perhaps.

9 Q. And why did you leave Arthur Andersen to
10 go to Ernst & Young?

11 A. Arthur Andersen collapsed. So the
12 Oklahoma City practice was acquired by Ernst &
13 Young, at which time I went over as a direct-admit
14 partner and almost immediately was transferred to
15 the Fort Worth office of Ernst & Young to move down
16 here as part of the firm.

17 Q. While at Arthur Andersen, did you have any
18 role in the Enron audit which I think we can agree
19 had something to do with the collapse of Arthur
20 Andersen?

21 MR. NASKO: Objection.

22 A. I did not.

23 Q. Did you have any role in the preparation
24 of any Arthur Andersen audit work conclusion or
25 finding that any judicial body criticized?

1 Q. How many hours of work have you expended
2 in this case thus far?

3 A. I haven't really added up what I have done
4 this month, but it was -- I would say I'm in the
5 area of 160 to 170 hours.

6 Q. And when were you hired by Latham?

7 A. Late September.

8 Q. You don't provide the compensation rate of
9 those who are assisting you as well as the number of
10 hours they have expended on this case.

11 Is there a reason why you didn't provide
12 that information?

13 MR. NASKO: Objection.

14 A. I believe we produced that separately, but
15 no.

16 MR. SCHOCHET: Heather, if it has been
17 produced, I believe we haven't been able to locate
18 it. Can you provide us with that information?

19 First instance, have you provided it
20 to us because we haven't seen it.

21 MR. NASKO: You mean, the people that
22 supported him from Cornerstone.

23 MR. SCHOCHET: People who supported
24 him and their rates and the hours expended.

25 MR. NASKO: Because there was two

1 separate fee summaries. There was one from ADIGEO
2 and then one from Cornerstone, both of them related
3 to the report. We can get you both of those.

4 MR. SCHOCHET: That would be great.
5 Thank you so much.

6 Q. Are there any invoices that you have
7 issued to Latham that remain unpaid?

8 A. I haven't checked recently. I know we
9 were contacted this week asking about payment terms.
10 So I don't know if we received or not any. I am the
11 accounting department, so it takes for me to go look
12 at the bank account.

13 Q. Have you ever conducted an audit or
14 involved in any team that conducted an audit for any
15 of the defendants in this action?

16 A. No.

17 Q. Okay. And it says that you were assisted
18 in this matter by staff of ADIGEO Consulting, LLC,
19 and Cornerstone Research.

20 What does it mean that you were assisted
21 in the matter with -- by these entities?

22 A. They helped me in terms of drafting the
23 report. I was identifying and determining what the
24 opinions were and which were the relevant documents
25 that I wanted to consider and bring in. They helped

1 me to organize the documents. And, you know,
2 basically I'm using their -- Cornerstone's portal to
3 access the documents that we're using.

4 And in terms of drafting, as we bring
5 those in and as I develop the opinions and the
6 views, they help to both bring in the support into
7 the report as well as helping to draft and edit.

8 Q. When you say bring in the support to
9 draft, what does that mean?

10 A. Well, if I reference an exhibit, I may
11 have said, hey, can you -- can you quote this
12 section in here and provide the footnote reference,
13 and, you know -- there's a lot to do to do that I
14 find out.

15 Q. Did they select the documents that you
16 reviewed?

17 A. No. They helped me in selecting them, but
18 I drove the selection process and worked with them
19 on an iterative basis as we were working through the
20 documents.

21 Q. And did they provide any of the analysis
22 that's contained in the report?

23 A. No. Ultimately, I mean, they -- they
24 contributed to it. They did review some documents
25 and provide me with views relative to those

1 documents. But the analysis and opinions within the
2 report are mine.

3 Q. And who actually wrote the report?

4 A. It was a combination of me and some of the
5 staff from Cornerstone that worked together on it.

6 Q. And who at Cornerstone participated in
7 drafting the report?

8 A. I would say primarily JP Poissant, Steve
9 McBride, and then Kelly -- they're on the list of
10 names. I don't always remember their last name.

11 Q. Let's turn to paragraph 1 of your report.
12 And this indicates what your scope of engagement was
13 as an expert, correct?

14 A. Yes.

15 Q. And it says here that, I have been
16 retained as an independent expert to evaluate and
17 respond to financial accounting and reporting
18 opinions expressed by Mr. D Paul Regan, CPA/CFF, in
19 his expert report dated August 31, 2003.
20 Specifically I have been asked to evaluate
21 Mr. Regan's following opinions. And then it lists
22 out Mr. Regan's opinions.

23 Is it correct that you never conducted
24 your own independent analysis as to the accounting
25 matters at issue in this litigation?

1 MR. NASKO: Objection.

2 A. When you say "independent analysis,"
3 certainly relative to some of the documentation I
4 obtained and some of what Mr. Regan had referenced
5 in his report and some of the opinions and findings
6 that he offered in his report, I obtained, you know,
7 support for it, understood it.

8 I think to say no independent analysis, I
9 think you have to be more specific as to which area
10 where I thought about it.

11 Q. Did you ever perform any auditing tests?

12 A. Auditing tests? I think that's a very
13 broad term because when you think about auditing,
14 auditing includes review as a procedure. Certainly
15 I reviewed the documents that I reference to,
16 including many of the work papers at KPMG to review
17 and understand. So I think that's probably one of
18 the tests that I would have performed.

19 Q. Did you rerun any financial models used to
20 prepare projections?

21 A. No, I certainly -- I obtained and reviewed
22 and understood what were in those models. But given
23 the fact that Mr. Regan hadn't really provided any
24 analysis of the underlying information within them,
25 I did not.

1 Q. Did you rerun any accounting calculations
2 to determine either impairment or for any other
3 purpose?

4 A. I reviewed many of the calculations that
5 were provided within the support, did not retest the
6 clerical accuracy.

7 Q. And you never performed an audit of Alta
8 Mesa as of the time the business combination or any
9 other time thereafter; is that correct?

10 A. That's correct.

11 Q. The scope of your work, sir, was solely
12 limited to reviewing and providing analysis as to
13 Paul Regan's opinions; is that correct?

14 MR. NASKO: Object to form.

15 A. Solely limited to reviewing -- obtaining
16 the information in support of my opinion, looking at
17 the information that he had cited, some of the other
18 information that existed, and evaluating his
19 opinions, that just sounded very limiting, so I
20 don't know that I --

21 Q. Well --

22 A. -- definitely agree with --

23 Q. I'm sorry.

24 A. Go ahead.

25 Q. You're not offering any opinions separate

1 and apart from your conclusions as to what you
2 termed in paragraph 1 of your report, the financial
3 accounting and reporting opinions of Mr. Regan; is
4 that correct?

5 A. I think -- yeah, to be clear, all the
6 opinions that I'm offering are included within this
7 document.

8 Q. It says that -- it says in paragraph 1,
9 you were asked by counsel to specifically evaluate
10 those of Mr. Regan's opinions that you then list
11 with bullet points.

12 Does your report contain any opinions
13 other than your -- other than your --

14 MS. WALLER: Casey, I think you're off
15 mute.

16 Q. It says in paragraph 1 that you were asked
17 by counsel to specifically evaluate those of
18 Mr. Regan's opinions that you then list with bullet
19 points.

20 Does your report contain any opinions
21 other than your evaluation of Mr. Regan's opinions
22 that are bullet pointed in paragraph 1?

23 MR. NASKO: Object to form.

24 A. I think all of my opinions relate to these
25 bullet points and my -- my view of them.

1 MR. SCHOCHET: Tab 3, Umair.

2 (Exhibit 813 marked.)

3 MS. WALLER: Are you just marking the
4 copies or just marking --

5 MR. SALDAMANDO: We put it in Exhibit
6 Share. These are just courtesy copies.

7 MR. HUSSAIN: The exhibit has been
8 introduced.

9 Q. You'll note, sir, first in the box below
10 the title that the SSFS are issued by the Forensic
11 and Valuation Services Executive Committee; is that
12 correct?

13 A. That's correct.

14 Q. And are you aware that this committee is
15 the AICPA standards setting body for CPAs performing
16 forensic and valuation services?

17 MR. NASKO: Object to form.

18 A. I believe so.

19 Q. Would you agree, sir, that a person who
20 served on the Forensic and Valuation Services
21 Executive Committee would have a better and deeper
22 understanding of the SSFS than would you?

23 MR. NASKO: Object to form.

24 A. Not necessarily. I recognize that service
25 on that but the experience and application or

1 understanding, I just wouldn't know exactly to the
2 extent that they would have -- what experience they
3 may have, so I can't really speak to what their
4 experience might be.

5 Q. Okay. You testified, though, that you
6 have never conducted a forensic audit -- accounting
7 audit; is that correct?

8 MR. NASKO: Object to form.

9 A. I believe the question was while I was at
10 Arthur Andersen. I mean, when you say forensic
11 audit, forensic procedures, I believe that within
12 some of my expert engagements, that I would have
13 utilized the forensic standards.

14 Q. In which instances?

15 A. In the ones where I have issued a report.

16 Q. And you did so pursuant to SSFS?

17 A. Yes.

18 Q. Would you agree that a person who -- let
19 me strike that.

20 What is the credential that the AICPA
21 issues for forensic accountants?

22 A. Off the top of my head, I can't think of
23 what the designation is.

24 Q. Would you agree it's the certified in
25 financial forensics, CFF?

1 A. I believe that's correct.

2 Q. Are you a member of the AICPA's Forensic
3 and Valuation Services section?

4 A. I am not.

5 Q. Are you a CFF?

6 A. No.

7 Q. And why not?

8 A. I haven't gone through the certification
9 process.

10 Q. What experience do you have applying SSFS?

11 A. Generally within my expert engagements
12 that I have performed while with ADIGEO.

13 Q. In your role at the PCOB, did you ever
14 analyze whether an accountant had appropriately
15 applied SSFS?

16 MR. NASKO: Object to form.

17 A. I don't believe so, no.

18 Q. In your role at Arthur Andersen, did you
19 ever perform an engagement pursuant to SSFS?

20 A. Not that I can recall.

21 Q. At Ernst & Young?

22 A. No.

23 Q. Are you familiar with the AICPA's Forensic
24 and Valuation Services, which I'll abbreviate as
25 FVS, practice aids?

1 A. I don't know that I have seen them
2 recently, no.

3 Q. Can you name any FVS practice aids?

4 A. Not off the top of my head.

5 MR. NASKO: Object to form.

6 Q. Have you ever attended the AICPA's
7 Forensic and Valuation Services national conference?

8 A. No. I attend the annual AICPA and SEC
9 update and the audit ENGAGE conference, which is a
10 large breadth of experience for everybody within the
11 AICPA. They may -- I don't know but what they may
12 offer those types of courses in that because it's --
13 every practice that the -- basically the AICPA
14 members are in. So I don't know if I have ever
15 attended one of their sessions or not if they're
16 part of that, so...

17 Q. You don't recall one way or the other ever
18 having attended a session of the Forensic and
19 Valuation Services national conference?

20 A. No.

21 Q. Okay. Have you ever attended any
22 state-based forensic accounting conferences?

23 A. No.

24 Q. Have you ever spoken at a forensic
25 accounting conference?

1 that critical evaluation of it.

2 Q. All that goes, though, into determining as
3 to whether or not, would you agree, that -- as to
4 whether or not he looked at sufficient relevant
5 data; is that correct?

6 MR. NASKO: Object to form.

7 A. No, I think it's beyond that as well. I
8 think it's the due professional care and critically
9 evaluating that, and in terms of evaluating it,
10 reconciling those contradictory views to his opinion
11 to the extent that they are relevant, yes.

12 Q. Beyond the extent to which how he
13 evaluates data, what he's -- what he's required to
14 look at, though, is sufficient relevant data; is
15 that correct?

16 MR. NASKO: Object to form.

17 A. That's one component of it -- of the
18 requirements.

19 Q. Do the SSFS define specific type of data
20 that a CPA should obtain to support the reasonable
21 basis for conclusions?

22 MR. NASKO: Object to form.

23 A. I don't believe that it goes that far.

24 Q. Does it say that email should not be used
25 to support an opinion?

1 MR. NASKO: Object to form.

2 A. No, I don't believe so.

3 Q. If you look at paragraph 33(a)(2) of your
4 opinion -- and this is something that you repeat
5 elsewhere including in 36(b).

6 You fault Mr. Regan for not -- quote, not
7 providing a comprehensive analysis of the data.

8 Do you see that, sir?

9 A. Is that in (a)(1)?

10 Q. (a)(2).

11 A. I'm sorry.

12 Q. In the first sentence.

13 A. Yes.

14 Q. Can you show me where in the SSFS that
15 that is the appropriate standard?

16 MR. NASKO: Object to form.

17 A. I think it goes back to both the
18 determination or the sufficient relevant data and
19 due professional care.

20 Q. Is it your opinion, sir, that a
21 requirement that CPA review, quote, sufficient
22 relevant data to afford a reasonable basis for
23 conclusions is the same as requiring the CPA to
24 provide a comprehensive analysis of the data?

25 MR. NASKO: Object to form.

1 A. I think this is very much a
2 principles-based standard, and it's how a CPA would
3 apply it. And I think, given my -- and my opinion
4 is fairly clear that I believe that he needed to
5 provide a more comprehensive analysis of the
6 underlying data.

7 Q. Is it your opinion those are the same
8 standards? Let me state what they are: Sufficient
9 relevant data to afford a reasonable basis for
10 conclusions.

11 Is it your opinion that that's the same
12 standard as providing a comprehensive analysis of
13 the data?

14 MR. NASKO: Object to form.

15 A. I would also say that it applies due
16 professional care.

17 Q. My question is: Are those the same
18 standards?

19 A. Those two standards?

20 Q. Uh-huh.

21 MR. NASKO: Object to form.

22 A. I think these are very much
23 principles-based standards and that the application
24 in this situation would have required a more
25 comprehensive analysis of the underlying assumptions

1 process.

2 Q. You don't say more comprehensive; you say
3 a comprehensive analysis --

4 (Simultaneous speaking.)

5 MS. WALLER: Can you let him answer
6 the question and finish it, and then you can ask him.
7 Slow down a little bit. You're talking over each
8 other.

9 MR. SCHOCHET: I agree.

10 Q. I'm sorry, go ahead, finish your answer.

11 A. Yeah, I don't -- I don't believe -- well,
12 to be clear, for a lot of these I'm not sure I have
13 seen where he has understood the underlying or even
14 evaluated the underlying assumptions or processes to
15 create the projections.

16 Q. Again, the question, though, is whether or
17 not -- putting aside your -- your analysis of
18 Mr. Regan's opinion, which we'll get to, I'm talking
19 now about the standards themselves.

20 And the question is whether or not a
21 sufficient relevant -- a standard requiring a
22 sufficient relevant data to afford a reasonable
23 basis for the conclusions is the same as requiring a
24 CPA to provide a comprehensive analysis of the data?

25 MR. NASKO: Objection; asked and

1 answered.

2 A. In this case, I would say yes, it is.

3 Q. And what's the basis for that opinion?

4 A. In terms of determining -- in order to
5 have a basis for the opinion, there is a level of
6 diligence and understanding that you have to have of
7 the underlying aspect.

8 As I list in my report, you know, in terms
9 of being able to understand, it can't just be a, you
10 know, retrospective look back and say, okay, well,
11 they didn't get there, and here is an email that
12 said this, that, or the other.

13 Without providing the context, if you
14 will, of what those mean within the determination
15 and development of the projections themselves and,
16 you know, without that understanding, it calls into
17 question really the relevance of what some of these
18 other emails and items that he pointed to were from
19 his -- from the perspective of his evaluation.

20 Q. Just to be clear, then, are you saying
21 that the standards require -- when the standards
22 refer to sufficient relevant data, that they mean a
23 comprehensive -- a comprehensive analysis of the
24 data?

25 MR. NASKO: Object to form.

1 A. Again, in this situation, I believe so.

2 Q. Not just -- I'm talking generally, not
3 just this situation.

4 A. It's a principles-based standard, and I
5 think that you apply that principle and -- within
6 the situation. You know, having been at the PCOB
7 for so many years and the auditing standards were
8 principle based, not prescriptive as the accounting
9 standards sometimes are, you have to have experience
10 with saying, okay -- or maybe even a comfort level
11 with what a principle-based standard is to say, yes,
12 that broad -- that broad principle or that very
13 clearly stated principle, you know, is something
14 that within those two sentences is not meant to be
15 limiting as to -- as to what a CPA would need to do
16 in order to apply it.

17 Q. Do you derive any support for the view
18 that a sufficient relevant data equals a
19 comprehensive analysis of the data from any FVS
20 forensic accounting practice aids?

21 MR. NASKO: Object to form.

22 A. I have not.

23 Q. From any treaties adopted by forensic
24 accountants?

25 MR. NASKO: Object to form.

1 A. Not that I'm aware of, no.

2 Q. I note, sir, that Mr. Regan in Appendix B
3 of his report lists over six pages with three to
4 four columns in each page all of the documents
5 produced in this case he considered. And this is by
6 contrast with your over five pages with only one
7 column of documents on each page.

8 So is it fair to say you did not review
9 all the documents that Mr. Regan listed that he
10 considered?

11 MR. NASKO: Objection; form.

12 A. I have reviewed all of the documents that
13 he cited to that I have cited to. Cornerstone has
14 reviewed all of the documents within his appendix
15 that I haven't, and I have reviewed some of those,
16 but they have reviewed those under my direction and
17 have provided me any relevant information or
18 observations from their review of that.

19 Q. So you're relying upon Mr. -- I'm sorry,
20 you're relying upon Cornerstone to provide you with
21 relevant documents that Mr. Regan had considered but
22 you did not?

23 MR. NASKO: Object to form.

24 Q. Is that correct?

25 A. That they have reviewed -- I'm relying on

1 their significant experience in this field and
2 experience reviewing documents in support in terms
3 of being able to provide me with any views that
4 would be relevant to my opinion.

5 Q. And you determined that that was the
6 proper procedure, that you didn't need to look at
7 every single document that Mr. Regan looked at?

8 MR. NASKO: Object to form.

9 A. That's correct.

10 Q. Okay. Would you consider that to be a
11 comprehensive analysis of the data?

12 MR. NASKO: Object to form.

13 A. Yes, within -- within the confines of my
14 team that was under my direction, yes.

15 Q. And in paragraph 65(e) of your report, you
16 state that, Mr. Regan has not identified evidence
17 that causes me to believe that KPMG did not conduct
18 their audits and review in compliance with relevant
19 PCAOB auditing standards.

20 Sir, did you understand that Mr. Regan
21 attempted to assess the quality of KPMG's audit?

22 MR. NASKO: Object to form.

23 A. I did not understand that from his report,
24 no.

25 Q. And, therefore, why are you asserting this

1 Thank you.

2 THE VIDEOGRAPHER: We're off the
3 record at 10:07.

4 (Recess 10:07 a.m. to 10:22 a.m.)

5 THE VIDEOGRAPHER: We're back on the
6 record at 10:22.

7 Q. Sir, if you look at the Regan report and
8 if you look at paragraph 57 of the report.

9 A. Okay.

10 Q. You see Mr. Regan states that, As of
11 August 17, 2017, however, when AMH first published
12 the 2018 EBITDAX -- that's E-B-I-T-D-A-X --
13 projection of \$258 (sic) million, AMH had
14 contemporaneous STACK field production data that
15 appears to have contradicted the WPS in EUR
16 assumptions.

17 And, sir, in support of that assertion,
18 besides a chart contained in the report which we'll
19 discuss later, he gives expressly as one example a
20 specific email with certain well spacing
21 information. And we'll get to that later as well,
22 sir.

23 But, first, let me bring a couple more
24 documents to your attention, one of which you appear
25 not to have considered. Let me show you first what

1 I'll have marked as Exhibit 815.

2 MR. SCHOCHET: Which is tab 5, Umair.

3 MR. HUSSAIN: The exhibit has been
4 introduced.

5 Q. In the first instance, let me ask you if
6 you have seen this document before, Mr. Fiebig.

7 (Exhibit 815 marked.)

8 A. (Reviewed document.) Not that I recall.

9 Q. And this is an April 2017 Riverstone email
10 containing an engineering report from what appears
11 to be an outside consultant, Chris Widell, correct?

12 MR. NASKO: Object to form.

13 A. I'm sorry, I would have to --

14 Q. Sure. Take a look. Take your time.

15 A. (Reviewed document.) I'm sorry, so I
16 haven't finished reading the full part of it, but
17 what was your question?

18 Q. My question is: This seems to be a --
19 well, it is an April 2017 Riverstone email, correct?
20 I'm sorry, 2017 email; is that correct?

21 A. That's correct.

22 Q. Okay. And it contains an engineering
23 report from what appears to be an outside
24 consultant, Chris Widell; is that correct?

25 MR. NASKO: Object to form.

1 A. You say an engineering report. I guess I
2 would have to -- I'm not sure I characterize it --
3 again, I haven't read the full body.

4 Q. Of course.

5 A. If you would like me to, I would.

6 Q. Sure.

7 A. But from an engineering report, I'm not
8 sure if that's what this represents or if it's some
9 thoughts on it.

10 Q. It appears to be a set of conclusions by
11 an outside consultant, Chris Widell; is that
12 correct?

13 MR. NASKO: Object to form.

14 A. If you'll allow me, then I'll read these
15 three paragraphs and then I'll respond. (Reviewed
16 document.) Okay.

17 Q. So my question again is: Am I correct in
18 characterizing this email, at least the front -- the
19 top page of the email as a report of what appears --
20 from what appears to be an outside consultant, Chris
21 Widell; is that correct?

22 MR. NASKO: Objection; form.

23 A. It's an email expressing some of his
24 views. I'm not sure I would call it a report but
25 more of a three-paragraph email sharing some of his

1 views.

2 Q. From an outside consultant; is that
3 correct?

4 A. Yeah, I believe --

5 MR. NASKO: Object to form.

6 A. -- from the context of this, that he is
7 that.

8 Q. You will note that among other things, he
9 concludes by saying that he wasn't surprised to see
10 their lackluster down-spacing results. And then --
11 and referring to Alta Mesa spacing tests on part of
12 its acreage position, he refers to, quote, a high
13 degree of wellbore interference with even the four
14 wells per unit having a hard time hitting the type
15 curve.

16 Sir, do you have any reason to believe
17 that KPMG saw this document?

18 A. I'm sorry, I was just trying to catch --

19 MR. NASKO: Objection; form.

20 A. -- where you had read that from. Sorry, I
21 was reading.

22 Q. Oh, sure. Of course.

23 A. I don't know if they have or not.

24 Q. You have no reason to believe they saw it,
25 though, right?

1 MR. NASKO: Objection; asked and
2 answered.

3 A. I have no idea.

4 Q. At the least, would you agree this
5 document is not consistent with management's
6 representation to KPMG that the company had minimal
7 to no child wells completed as of February 9, 2018,
8 by which it could have tested its reservoir
9 engineering assumptions?

10 MR. NASKO: Object to form.

11 A. You know, this is a fairly technical memo,
12 and I'm not sure that it -- that I can glean from
13 that that that's what it -- that it's contradictory.

14 Q. Beyond the conclusions that he comes to,
15 he is assessing testing -- pattern testing before
16 February 19, 2018, the results of that testing; is
17 that correct?

18 MR. NASKO: Object to form.

19 A. I don't -- you say he's assessing pattern
20 results. I'm not sure what his basis is for this
21 and what he's assessed or who he has discussed it
22 with because I'm a little confused as to what
23 that --

24 Q. Would you agree -- I'm sorry.

25 MR. NASKO: Just let him fully finish.

1 Q. Are you finished?

2 A. Yes, sir.

3 Q. Would you agree that -- that it is an
4 examination of Alta Mesa Holdings' wells?

5 MR. NASKO: Object to form.

6 A. Again, an examination to me seems to mean
7 something more than, you know, having flown out to
8 discuss with the people what they were doing. So
9 I -- he's providing some observations based on his
10 interaction with the company.

11 Q. There's a reference to spacing test, even
12 the 1,320-foot tests (4 wells per unit).

13 This appears to be a pattern test, doesn't
14 it?

15 MR. NASKO: Object to form.

16 A. Can you point me to where that is?

17 Q. Sure. The next-to-the-last paragraph,
18 last sentence: In that vein, I wasn't surprised to
19 see their lackluster down-spacing results. The
20 Osage, due to its fractured nature here, has a high
21 degree of wellbore interference, and they're seeing
22 that the spacing tests, even the 1,320-foot tests (4
23 wells per unit), have a hard time hitting the type
24 curve.

25 And then it says, To me, these results --

1 these results limit AMR's STACK upside story.

2 Would you agree that this is -- this is
3 examination, to look at, whatever you -- whatever
4 you want to refer to it as, whatever degree of depth
5 you want to give to it, but, nonetheless, a review
6 of spacing tests, pattern tests, of AMH wells before
7 February 9, 2018?

8 MR. NASKO: Object to form.

9 A. Well, I mean, in part, he's talking about
10 the Osage, and I don't know if that's based on his
11 experience or otherwise in terms of what that is,
12 and, you know, when he says they're seeing. I don't
13 know what that's based on.

14 Q. Again, I'm not asking you to assess --

15 MS. WALLER: Ira, let him finish his
16 answer. Let him finish.

17 Q. I thought you had finished.

18 MS. WALLER: Give him, like .1 second
19 after he finishes to make sure he finished. You're
20 giving him no time.

21 A. I think I finish quickly once you start
22 talking, so I've lost what else I had meant to say.

23 Q. No, I apologize. I'm just asking what you
24 wish to say.

25 A. No.

1 Q. Okay. So I'm not asking you to look to
2 evaluate his conclusions. I'm simply asking you on
3 what the basis upon which he made his conclusions,
4 was he looking at spacing tests of AMH -- of AMH
5 wells?

6 MR. NASKO: Objection; asked and
7 answered.

8 A. I don't know from reading this, to be
9 honest with you. I mean, I don't know --

10 MS. WALLER: Ira, give him a second.
11 Let him finish.

12 A. I don't know what he looked at or what --
13 you know, he's saying this, but it's not a report or
14 what have you where he's providing the basis for the
15 observations that he's making.

16 Q. He refers to spacing test; is that
17 correct?

18 A. That they're seeing spacing tests even
19 1,320, that they're seeing. Yeah, I don't know that
20 that means that he's looked at it or he has a basis
21 other than discussions with them.

22 Q. And refers to results with respect to
23 AMR's STACK upside story; is that correct?

24 A. That's his observation.

25 Q. So the spacing tests obviously refer to

1 AMR's wells, correct?

2 MR. NASKO: Object to form.

3 A. You know, again, he's applying those to
4 determine his view of the AMR doesn't -- that
5 doesn't necessarily, for me, tie it back to that
6 he's looking at an AMH testing. You know, he may
7 have other industry or other information that he's
8 aware of that's indicating that there's difficulty
9 with it.

10 Q. So you say you haven't seen this document
11 before, correct?

12 A. That's correct.

13 Q. So you don't know one way or the other as
14 to whether or not he was referring to a spacing test
15 at that time?

16 A. I don't.

17 Q. And do you know whether there was spacing
18 tests at that time?

19 MR. NASKO: Object to form.

20 A. As of April?

21 Q. Uh-huh.

22 A. I -- I would have to look back. I don't
23 know as of that date.

24 MR. SCHOCHET: Let's look at another
25 document, please, which we'll mark as Exhibit 816.

1 It's tab 6, Umair.

2 MR. HUSSAIN: The exhibit has been
3 introduced.

4 Q. Sir, your appendix in the back of your
5 report doesn't indicate that you considered this
6 document.

7 Have you seen it before?

8 (Exhibit 816 marked.)

9 A. I don't believe that I have.

10 Q. And this is a June 2017 AMH email among a
11 number of people including Hal Chappelle, Gene Cole,
12 Tim Turner, Mike Ellis, Michael McCabe, and attaches
13 an email from Fred Mueller.

14 In his next-to-last paragraph, sir, you'll
15 see that he states that in his opinion, quote, The
16 down-spaced well patterns influence the data, as it
17 appears that on average, there is some well
18 interference thus less production on a per-well
19 basis. There may also be a negative effect on frac
20 interference on producing wells, as an increased
21 number of wells are drilled resulting in completions
22 that are closer to producing wells.

23 Do you have any reason, sir, to believe
24 that KPMG saw this document?

25 MR. NASKO: Object to form.

1 A. I'm sorry, I didn't -- which one is that?

2 MR. NASKO: It sort of looks like
3 this.

4 THE WITNESS: Oh, that email.

5 God, if my desk at home looked like
6 this, I'd be in trouble.

7 A. Okay.

8 Q. Mr. Fiebig, in paragraphs 55 to 57 of your
9 report, you challenge Mr. Regan's opinions generally
10 and specifically as to this document, the June 6,
11 2017, communication as to pattern test results as of
12 then.

13 If you recall, Mr. Fiebig, in your report,
14 you assert, am I correct, that Mr. Regan should have
15 reconciled his conclusions with what you call the
16 contemporaneous work by Tudor Pickering, otherwise
17 known as TPH, specifically as to its estimate of oil
18 production by AMR in a July 19, 2017, presentation;
19 is that correct?

20 I'm referring to paragraphs 55 to 57 of
21 your report.

22 A. Okay. I apologize. I was getting
23 oriented. Can you ask me that question again.

24 Q. Sure. Your opinion as to -- with respect
25 to -- with respect to the June 6, 2017, document,

1 you -- your opinion is that Mr. Regan should have
2 reconciled his conclusions with respect to that
3 document with what you call contemporaneous work by
4 TPH, specifically as to its estimate of oil
5 production by AMR, and the July 19, 2017,
6 presentation; is that correct?

7 A. Yes. He cites to this in his report, and
8 I refer that he fails to address TPH's presentation,
9 which is dated after this communication.

10 Q. Now is it your opinion a forensic
11 accountant who relies for his opinions on actual
12 contemporaneous, nonpublic information directly from
13 management obtained in a litigation must also
14 consider the analyses of a third-party financial
15 advisor as to whom there is no evidence that was
16 privy to the same information?

17 MR. NASKO: Object to form.

18 A. My view is that TPH -- and this was
19 available to Mr. Regan -- did perform an analysis at
20 the direction of management and had conclusions that
21 contradicted his and that he should have evaluated
22 those contradictions and reconciled them to his
23 conclusion.

24 Q. Even where there's no evidence that it was
25 privy to the same information that Mr. Regan has by

1 reason of this litigation?

2 MR. NASKO: Object to form.

3 A. Clearly they didn't have the same
4 information that he has, but they had
5 contemporaneous information that they used to
6 evaluate the projections that they made and made a
7 reasonable or professional conclusion on their
8 behalf based on what management had hired them to
9 do.

10 Q. Well, let's look at the deposition
11 transcript of the TPH representative, Mr. Knupp,
12 which we'll have marked as Exhibit 823.

13 MR. SCHOCHET: And, Umair, that's
14 tab 12.

15 (Exhibit 823 marked.)

16 Q. And I take it you have seen this document
17 before. I'll wait for Umair to say that it has been
18 loaded.

19 MR. HUSSAIN: It has been introduced.
20 The exhibit has been introduced.

21 Q. I take it, sir, that you have reviewed
22 this document, this deposition transcript?

23 A. That's correct.

24 Q. Okay. So you are aware, are you not, that
25 whatever oil and gas technical proficiency that TPH

1 representation.

2 Q. Again, you refer to the process, but it
3 says that the process is to determine the best
4 reasonable available relevant data to develop --
5 with respect to the assumptions.

6 And isn't that essentially the
7 representation that was made, that the projections
8 are based upon the best currently available
9 estimates?

10 MR. NASKO: Objection; form.

11 A. Let me see if I can kind of describe that
12 further. There's some similarities between this
13 language. But when saying that management's
14 representations are consistent with the standards
15 set forth in the AICPA audit guide, there's a
16 significant amount of more guidance included within
17 that audit guide that is in addition to what
18 management has said.

19 So to make that statement that they were
20 prepared in conformity with the AICPA audit guide
21 and that these are representations that would cause
22 me to believe that they were, I think there's more
23 to it.

24 Q. Putting aside what else is in the
25 guidelines with respect to those representations

1 that are reflected in the guidelines, would you
2 agree that they essentially mirror each other?

3 MR. NASKO: Objection; form.

4 A. I wouldn't say mirror. And I think I said
5 that earlier, that I don't think that they
6 completely mirror each other.

7 Q. Are they consistent?

8 MR. NASKO: Objection; form.

9 A. You know, the assumption says the
10 assumption should be reasonably and suitably
11 supported. Here they say the projections were
12 prepared on a reasonable basis. It doesn't speak to
13 the language --

14 Q. Do you find that different?

15 MR. NASKO: Were you finished with
16 your answer?

17 A. I don't know. I kind of lost my train of
18 thought after that.

19 MR. NASKO: Just give him a second.

20 A. But I think you asked another question. I
21 don't know -- can't remember what else I was going
22 to say.

23 Q. Do you think they're different? Do you
24 think those representations are different --

25 A. I think within --

1 Q. -- materially different?

2 A. -- within the standard that clearly
3 whenever the AICPA or any other standard setting
4 body says reasonable and suitably, those are two
5 different words that have two different meanings.
6 So whenever I see that, I consider it from the
7 perspective of, you know, those aren't mirrored,
8 those aren't exactly the same because the guide
9 itself has a specific meaning.

10 Q. You believe they're materially consistent,
11 though?

12 MR. NASKO: Objection; form, asked and
13 answered.

14 A. I would -- I would say that, you know --
15 let me look at this last one again. I think they're
16 similar. Again, these are -- these are snippets or
17 outtakes from the guidance, which, you know, doesn't
18 indicate that -- that within that guidance that all
19 of the criteria set forth by the AICPA have been
20 met, which, again, management represents that it did
21 not prepare it in accordance with AICPA guidance.

22 Q. Are you offering an opinion that when a
23 company simply states in a public filing that it is
24 not intending to follow the AICPA guidelines, then
25 that means the AICPA guidelines just don't apply?

1 opinion on that issue?

2 A. As to the SEC's acceptance or...

3 Q. As to whether or not an issuer can simply
4 say AICPA guidelines don't apply and therefore they
5 wouldn't apply?

6 A. I have not formed an opinion as it relates
7 to the requirements of the disclosure of the
8 projections within the proxy.

9 Q. In paragraph 44 of your opinion, you
10 generally state that Mr. Regan's opinion that the
11 projections did not reflect management's best
12 estimates as was indicated in the proxy was not
13 based on sufficient relevant data to afford a
14 reasonable basis for that opinion.

15 And you make reference to a purported
16 failure to provide a comprehensive analysis of the
17 data underlying the assumptions of the process used
18 to create the projections.

19 So let's put aside now -- because we have
20 gone through this already -- whether or not that's
21 the proper standard for a forensic accountant.

22 I note that you didn't sign a specific --
23 a single piece of data to support this claim that is
24 specific evidence in support of the reasonableness
25 of the projections that was not considered --

1 MR. NASKO: Objection.

2 Q. -- by Mr. Regan --

3 MR. NASKO: Objection; form.

4 Q. -- is that correct?

5 A. Let me read through the paragraph again
6 just to make sure I understand your question.

7 Q. Sure. Paragraph 44.

8 A. (Reviewed document.) Okay. Can you ask
9 me the question again.

10 Q. The question -- the question is: Am I
11 correct that you didn't cite a single piece of data
12 to support your claim --

13 MR. NASKO: Object --

14 Q. -- that Mr. Regan did not review all
15 relevant information or engage in a comprehensive
16 review of relevant information --

17 MR. NASKO: Objection; form.

18 Q. -- with respect to the projections?

19 A. Well, I think it --

20 MR. NASKO: Objection; form.

21 A. -- it relates to his lack of analysis of
22 the data underlying the assumptions of the process
23 to create the projections.

24 Q. And what -- what document are you relying
25 upon for that suggestion?

1 A. I don't see his review of that. I don't
2 see his evaluation of the process to determine what
3 the projections are, the model or whatever that is
4 used. And while he points to, you know, emails and
5 other information about what are purported to be
6 inputs or parts of the projections, I don't see how
7 he's evaluated the relevance or how those affect the
8 projections and how a change in whatever those may
9 be would result in a -- what change or what effect
10 those would have to the projections.

11 Q. Is there a specific document you reviewed
12 that would be -- that would lend you to believe
13 that -- this contrary evidence to Mr. Regan's
14 analysis and conclusions?

15 MR. NASKO: Objection; asked and
16 answered.

17 A. I think my -- I'm sorry, can you ask that
18 question again.

19 Q. Yeah. Is there a single piece of evidence
20 that you're aware of that would reflect evidence
21 that's contrary to Mr. Regan's analysis and
22 conclusions?

23 MR. NASKO: Objection; asked and
24 answered.

25 A. I would have to go back and look at some

1 of his report to understand some of the conclusions
2 that he has made. But I do think that he tends to
3 take the emails and other information that he uses
4 out of context or without providing context, excuse
5 me, in terms of -- you know, that that means that
6 the projections were misstated that there was some
7 back-and-forth email, if you will, between the
8 people involved in determining or preparing the
9 projections and that that somehow resulted in them
10 being incorrect or what have you.

11 What I don't see and I think what I
12 address in my opinion is that there's not a context
13 provided into, you know, what those changes are that
14 are being made, how they affect the projections, and
15 how they are -- how they reflect what management's
16 plans are relative to the operation of the business.

17 Q. Did you review that context -- that
18 information and find anything that would be -- that
19 would reflect anything that's contrary to the
20 assertions made by Mr. Regan in his report with
21 respect to the projections?

22 MR. NASKO: Object to form.

23 A. I think my opinion is based on the fact
24 that he comes to conclusions based on these emails
25 or portions of emails that are back and forth

1 between the people that are preparing the
2 projections and takes that to conclude that the
3 projections therefore aren't fairly stated or based
4 on the best currently available information.

5 Q. And my question to you is have you seen
6 any evidence to show that Mr. Regan is taking those
7 emails out of context?

8 MR. NASKO: Objection to form.

9 A. I don't see any evidence to see the
10 context with which he's considered those other than
11 that the emails themselves he's looking at without
12 really understanding. And I think at the core of
13 what I think I have tried to say is that he's taking
14 that and not further evaluating the context or the
15 impact of these changes and discussions that are
16 being had. And so I don't see him evaluating that
17 context for me to have identified any information
18 that would be contrary to a context that he may be
19 using.

20 Q. And, again, I'm asking you if you've
21 reviewed that context and found that there was
22 something that he missed, that Mr. Regan missed that
23 would show that his consideration of those emails
24 and the information in those emails was
25 inappropriate --

1 MR. NASKO: Objection; asked and --

2 Q. -- and did not support his conclusions?

3 MR. NASKO: Objection; asked and
4 answered.

5 A. I would have to go back and look at some
6 of the emails that he refers to. And, you know, let
7 me just see if I can identify where --

8 Q. Yeah. And my next question is going to
9 refer to -- them to you, so why don't we do that if
10 you don't mind.

11 A. Uh-huh.

12 Q. So in paragraphs 62 to 73, he presents a
13 number of documents all dated before the business
14 combination. And in support of his conclusion in
15 paragraph 73 that the AMH 2018 EBITDA projections
16 appear to have been prepared in a results-driven
17 manner and it was viewed internally as aggressive
18 and likely unachievable. As such, they were not
19 prepared using management's best current estimates.

20 And as to this data cited in those
21 paragraphs, you don't address any of it in any
22 specific way, do you?

23 MR. NASKO: Objection;
24 mischaracterizes the underlying document.

25 A. If you'll allow me to read 62 through 73.

1 Q. Sure. Sure.

2 A. (Reviewed document.)

3 Q. Let me just note for the record that
4 certainly it's appropriate for you to acquaint
5 yourself with material that I show you, but to the
6 extent that I've shown you material, for instance,
7 Mr. Regan's report, which you have already read, I'm
8 not sure it's necessary for you to review them from
9 beginning to end. But --

10 A. Well, it's a total of 12 paragraphs or 13
11 paragraphs and --

12 Q. Uh-huh. Yeah.

13 A. -- when I reviewed this and the number of
14 times that I reviewed it, to be clear, it wasn't
15 necessarily in the context of the question that you
16 have asked me. So in order to properly and, you
17 know, try to fully respond to your question, I do
18 want to make sure that I'm thinking about the
19 context of your question as I look at this again.

20 So I apologize that I'm reading it over
21 again as a source of the question, but I'll try
22 and -- I'll try and be quicker.

23 MR. NASKO: You don't need to rush.
24 Take the time that you need.

25 A. (Reviewed document.) Okay. Now, if you

1 A. I see the paragraph 113 and paragraph 45.

2 Q. Right. Okay. And that's an example that
3 relates to data that was available on the day of the
4 business combination, correct?

5 A. The Dunne email?

6 Q. Yes.

7 A. Yes.

8 Q. Do you have any other examples of evidence
9 prior to the proxy being issued that Mr. Regan cites
10 in those emails from paragraphs 90 through 113
11 although this one goes to 115 as well?

12 MR. NASKO: Objection; form.

13 A. Can you ask me the first part of that
14 question again?

15 Q. Sure. Do you have any other examples of
16 documents that Mr. Regan cites that were dated
17 before the January proxy was issued in those -- in
18 those over 20 paragraphs?

19 MR. NASKO: Objection; form.

20 A. Do I have any other evidence of emails
21 that Mr. Regan cites?

22 Q. Right.

23 A. I'm not sure I understand by "evidence."

24 Q. That were dated before the January -- I'm
25 sorry, the January proxy -- when the January proxy

1 was issued. Any other examples --

2 A. I'm sorry.

3 Q. -- of emails that he cites within the 20
4 paragraphs beginning in paragraph 20 -- paragraph 90
5 that are dated before the issuance of the January
6 proxy.

7 A. Do I have any examples of emails that were
8 issued -- I mean --

9 Q. That were -- that were dated before the
10 January 20 proxy was issued.

11 A. That are included in his report --

12 Q. That's right.

13 A. -- including --

14 Q. In those over 20 paragraphs.

15 A. On paragraph 99, this email was dated
16 before the proxy if I understand your question of
17 emails --

18 Q. Uh-huh.

19 A. -- that were dated before the proxy --

20 Q. Yes.

21 A. -- which he has included in his report.

22 Q. In those paragraphs, yes.

23 A. Do I have evidence of them?

24 Q. Uh-huh.

25 A. I not sure I understand what you mean by I

1 have evidence of them.

2 Q. Well, do you have any other examples?

3 MR. NASKO: Objection; form.

4 A. I guess examples in what regard? I'm
5 sorry. I'm really having trouble following the --

6 Q. You accuse Mr. Regan of hindsight bias and
7 you gave as an example in those over 20 paragraphs
8 one email that was dated after the issuance of the
9 January proxy. I'm asking if you have any other
10 examples with regard to the KFM projections.

11 MR. NASKO: Objection; form.

12 A. Again, I would have to -- I would have to
13 consider it. Off the top of my head, I'm not -- I'm
14 not coming up with one.

15 Q. So tell me, with respect to the KFM
16 projections -- and you had referred to a broader
17 context -- can you tell me any specific relevant
18 facts that is contrary to Mr. Regan's conclusions
19 with regard to the KFM projections?

20 MR. NASKO: Objection; form.

21 A. You know, I think my opinions speak to his
22 analysis and that he has not analyzed sufficient
23 relevant data in coming to his conclusions. And,
24 you know, I think -- I think when you look at my
25 paragraph 52, I think his representation as to

1 Mr. Hackett's view, you know, omitted the fact that
2 Mr. Hackett believed that the Kingfisher performance
3 was reversible with time and that the upstream rock
4 is still good, just delays. And, again, just kind
5 of reading through here, I think that's one example
6 I can point to at this point.

7 MR. SCHOCHET: Let's go -- let's look
8 at that document. We'll mark that as Exhibit 826.

9 Umair, it's tab 14.

10 MR. NASKO: We've been going for an
11 hour. Do you need a break?

12 THE WITNESS: Yeah, when we get a
13 good -- next stopping point.

14 MR. NASKO: Maybe after this document,
15 it will be all right to take a break?

16 MR. SCHOCHET: Sure.

17 MR. NASKO: Thanks.

18 MS. WALLER: Ira, you didn't ask
19 anything about 825 or did I miss something?

20 MR. SCHOCHET: No.

21 MS. WALLER: Okay.

22 MR. SCHOCHET: I think that was marked
23 as a separate document.

24 MR. HUSSAIN: The exhibit has been
25 uploaded.

1 (Exhibit 826 marked.)

2 Q. Okay. This is the document you were
3 referring to, correct, that you said Mr. Regan did
4 not appropriately characterize?

5 A. Yes, I believe so. I would have to go
6 back to that, but I think that's correct.

7 Q. And you claim that because Mr. Regan did
8 not refer to certain statements in his emails, his
9 opinion that the KFM projections included in the
10 business combination did not reflect the best
11 currently available estimates was flawed; is that
12 correct?

13 A. Yes. Once again, can you point me to the
14 paragraph just so I can make sure that that's
15 exactly how I said it?

16 Q. I think you had referred to it yourself.

17 A. Yeah.

18 Q. Paragraph 52.

19 A. Okay. Thank you.

20 Q. So let's look at the document, shall we.
21 Sir, it starts with a communication from Mr. Hackett
22 to River -- of Riverstone to two other Riverstone
23 board members explaining the drop in guidance for
24 2018 KFM EBITDA from \$185 million in the proxy to a
25 range of around 95- to \$100 million, which is a 40

1 output of what they have done.

2 Q. Based upon what's in the document, though,
3 it's simply know that the type curve was consistent
4 with its understanding; is that correct?

5 A. They certainly come to that conclusion
6 within this. And, again, this appears to be a
7 summary memo to document their test work, which
8 includes reference to other work papers that --
9 within this section and procedures that they
10 performed in support of --

11 Q. You didn't reference those additional
12 procedures, is that correct, in your report?

13 A. I don't believe I did because they're
14 referenced in this memo.

15 Q. So my question to the extent it was simply
16 noting that the type curve was consistent with its
17 understanding, how does Mr. Fiebig -- how does this
18 support that KPMG concluded the reserve volume
19 assumptions were reasonable as of February 9, 2018?

20 A. I think it's the combination of that
21 conclusion that they have made there as well as
22 their overall conclusion that the assumptions
23 utilized by AM -- utilized in the AMH acquisition
24 value are reasonable as of 2/9/2018 and for the year
25 ended 12/31/18.

1 Q. Well, that's a conclusion, but based upon
2 what testing? The only testing I see is what's on
3 941, correct?

4 A. Well --

5 MR. NASKO: Objection; form.

6 A. -- again, they refer to other work papers
7 where they've performed testing in this area.

8 Q. But the results of that testing is not
9 referenced in 941; is that correct?

10 MR. NASKO: Objection to form.

11 A. I don't know exactly if those results are
12 or if those results are what this was based on.

13 Q. Uh-huh.

14 A. So --

15 Q. When you say this is -- I'm sorry, are you
16 finished?

17 A. I might have said something else but I
18 don't know.

19 Q. Yeah. Yeah.

20 But, again, the only thing that's on 941
21 is a graphing of volumes by reserve category. And
22 it may refer to other documents, other work papers,
23 but that's all that's shown on 941; is that correct?

24 MR. NASKO: Objection; asked and
25 answered.

1 A. I think -- I think stepping back and just
2 looking at what's documented in this section under
3 production, to see that the graph is the only thing
4 documented, the engagement team agreed the reserve
5 volumes in the fair value to reserve reports. The
6 proved reserve report was prepared by Alta Mesa and
7 audited by Ryder Scott --

8 Q. Uh-huh.

9 A. -- and was updated by the reserve
10 engineers through 2/9. It goes on to kind of
11 describe their understanding of it.

12 But to say -- go back to that, I guess the
13 point when I was -- you know, when I first asked if
14 this was just handed to them, you know, it does
15 indicate that the reserves that they have were from
16 the reserves that were audited by Ryder Scott.

17 Q. Uh-huh. Anything else?

18 A. And, again, the reference to the
19 additional testing that they performed.

20 Q. Additional testing generally you're
21 saying?

22 A. Well, the specific work paper references
23 which -- you know, consistent with my experience as
24 an auditor and --

25 Q. Uh-huh.

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Michelle L. Munroe, Certified Shorthand
4 Reporter in and for the State of Texas, certify that
5 the foregoing deposition of JOHN FIEBIG was reported
6 stenographically by me at the time and place
7 indicated, said witness having been placed under oath
8 by me, and that the deposition is a true record of
9 the testimony given by the witness;

10 That the amount of time used by each party at
11 the deposition is as follows:

Mr. Schochet - 7 hours, 9 minutes

12
13 I further certify that I am neither counsel for
14 nor related to any party in this cause and am not
15 financially interested in its outcome.

16 Given under my hand on this the 21st day
17 of November, 2023.

18
19
20 

21 Michelle L. Munroe, CSR No. 6011

22 Commission expires 1-31-24

Firm Registration #571

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

Notice of Errata – Deposition of John Fiebig
(November 16, 2023)

I, the undersigned, do hereby declare that I have read the deposition transcript of John Fiebig dated November 16, 2023 and that to the best of my knowledge, said testimony is true and accurate, with the exception of the following changes listed below:

Page	Line(s)	Change		Reason
		From	To	
14	1	by the PCOB or SEC	by the PCAOB or SEC	Transcription error
15	11	that would fall into that.	that would not fall into that.	Clarification
15	15	whether that's PCOB	whether that's PCAOB	Transcription error
17	24–25	description of what I do.	description of what I do with ADIGEO.	Clarification
21	14–15	produced that separately, but no.	produced that separately.	Clarification
30	10	No.	No, I have not.	Clarification
44	6	at the PCOB	at the PCAOB	Transcription error
47	8	within PCOB	within PCAOB	Transcription error

Page	Line(s)	Change		Reason
		From	To	
51	13	HBS?	HPS?	Transcription error
52	11	EMP	E&P	Transcription error
52–53	25–1	and I really don't have a memory,	and I really don't have a specific memory,	Clarification
53	19–20	I've already lost the question again	I'm already lost in the question again	Transcription error
75	24	consistent	inconsistent	Transcription error
77	17–19	it appears that on average there's some interference. There may also be negative effects.	[Reading from Exhibit CP-816] it appears that on average there's some interference. There may also be negative effects.	Clarification
81	5	and it's their documentations	and that's their documentation	Transcription error
90	9	reviewed by Cornerstone—Cornerstone.	reviewed by Cornerstone—Cornerstone staff.	Transcription error
97	17	the -- the unconventional reservoirs, which is	the -- in the unconventional reservoirs, which is	Transcription error
101	6	recognize	recognizing	Transcription error
103	11–12	start again	let me start again	Clarification
104	19–20	says were most of the wells	says [reading from Exhibit CP-820] were most of the wells	Clarification
104	23	he says, yes, at that point	he says, yes, [reading from Exhibit CP-820] at that point	Clarification

Page	Line(s)	Change		Reason
		From	To	
106	1–2	It's kind of blank to me	It's coming blank to me	Transcription error
108	12	may or may -- you	may or may not -- you	Transcription error
116	7	They had reviewed the quarters	KPMG and BDO had reviewed the quarters	Clarification
116	14	as part of his audit	as part of KPMG's audit	Clarification
142 – 143	25–2	would indicate, you know, again that many of the wells produce as expected for 60 days but fell below type after 90 and 120	would indicate, you know, again [Reading from Exhibit CP-822] that many of the wells produce as expected for 60 days but fell below type after 90 and 120	Clarification
167	3–4	I think it's the September proxy	I think it's the October proxy	Correction
170	9	I have not been updated	the prospective financial statements have not been updated	Clarification
193	24–25	it doesn't provide a reasonable basis to continue that it would assert	it doesn't provide a reasonable basis to assume that it would continue	Clarification
195	9–10	attempting to apply those backwards to --	attempting to apply those backwards to the time of the Business Combination	Clarification
227	1–4	But it is the - Q. I understand. A. -- plus the historical cost	But it is the that Q. I understand. A. -- plus the historical cost	Transcription Error
258	25	yes, that's what where that	yes, that's where that	Transcription error
262	5	in the fair value to reserve reports	in the fair value to the reserve reports	Transcription error

Page	Line(s)	Change		Reason
		From	To	
299	19	should have been existed or reported	should have existed or been reported	Clarification
318	4-5	the time fair value	the fair value	Transcription error
124	16	be clear	to be clear	Clarification
146	16	that were determined as of September 30, 2019	that were determined as of September 30, 2018	Correction
146	21-22	And if you're out here at September 13 and you see something different	And if you're out here at September 30 and you see something different	Correction
159	6-7	presentation that included the assumptions from that exceeded those attributed to Alta Mesa.	presentation that included the assumptions that exceeded those attributed to Alta Mesa.	Clarification
168	10	the appropriateness of the projections or for the	the appropriateness of the projections for the	Clarification
170	9	the -- that the -- I have not been updated since the	the -- that they have not been updated since the	Clarification
199	7-8	You know, again, I haven't reviewed it in detail.	You know, again, I haven't reviewed it today in detail.	Clarification
262	3-4	to see that the graph is the only thing documented	to say that the graph is the only thing documented	Clarification
304	13	Yes	Yes [Acknowledging the contents of Paragraph 214 of Mr. Regan's report]	Clarification
312	9-10	you're saying the simple math of 100.2 times -- what was the multiple?	you're saying the simple math of 10.2 times -- what was the multiple?	Correction

I declare under penalty of perjury that the foregoing is true and correct.


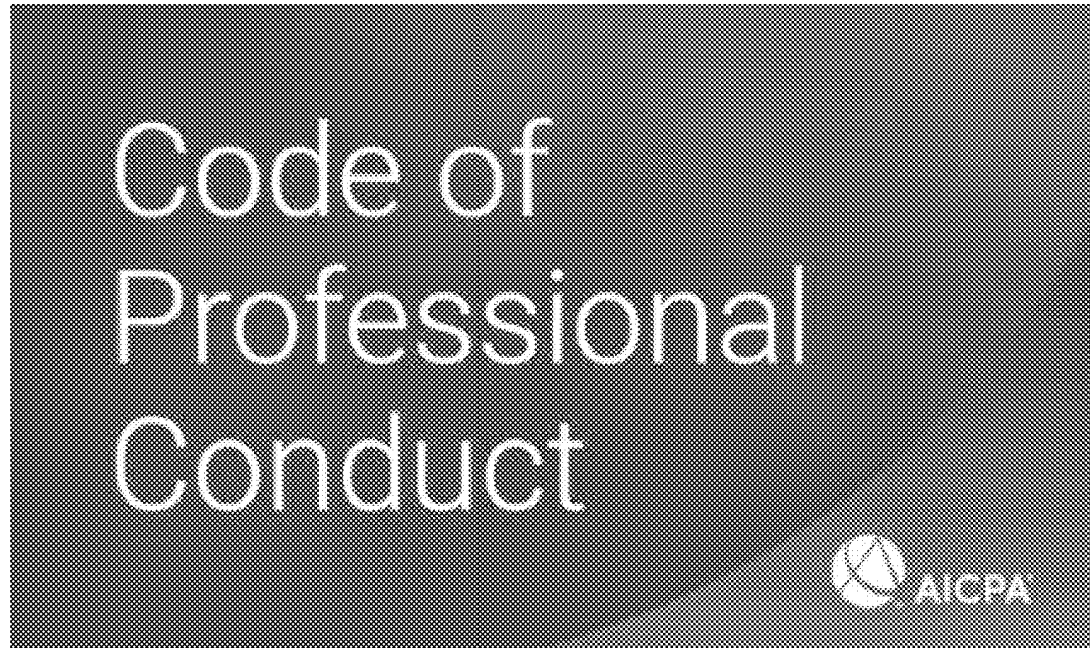
Date: December 20, 2023 Signed: 

EXHIBIT 2

AICPA Code of Professional Conduct



Effective December 15, 2014.

Updated for all official releases through June 2020.

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0.300.060 Due Care

- .01** *Due care principle.* A *member* should observe the profession's technical and ethical standards, strive continually to improve competence and the quality of services, and discharge professional responsibility to the best of the *member's* ability.
- .02** The quest for excellence is the essence of due care. Due care requires a *member* to discharge professional responsibilities with competence and diligence. It imposes the obligation to perform *professional services* to the best of a *member's* ability, with concern for the best interest of those for whom the services are performed, and consistent with the profession's responsibility to the public.
- .03** Competence is derived from a synthesis of education and experience. It begins with a mastery of the common body of knowledge required for designation as a certified public accountant. The maintenance of competence requires a commitment to learning and professional improvement that must continue throughout a *member's* professional life. It is a *member's* individual responsibility. In all engagements and in all responsibilities, each *member* should undertake to achieve a level of competence that will assure that the quality of the *member's* services meets the high level of professionalism required by these Principles.
- .04** Competence represents the attainment and maintenance of a level of understanding and knowledge that enables a *member* to render services with facility and acumen. It also establishes the limitations of a *member's* capabilities by dictating that consultation or referral may be required when a professional engagement exceeds the personal competence of a *member* or a *member's firm*. Each *member* is responsible for assessing his or her own competence of evaluating whether education, experience, and judgment are adequate for the responsibility to be assumed.
- .05** *Members* should be diligent in discharging responsibilities to *clients*, employers, and the public. Diligence imposes the responsibility to render services promptly and carefully, to be thorough, and to observe applicable technical and ethical standards.
- .06** Due care requires a *member* to plan and supervise adequately any professional activity for which he or she is responsible. [Prior reference: ET section 56]

0.300.070 Scope and Nature of Services

- .01** *Scope and nature of services principle.* A *member* in public practice should observe the Principles of the Code of Professional Conduct in determining the scope and nature of services to be provided.
- .02** The public interest aspect of *members'* services requires that such services be consistent with acceptable professional behavior for *members*. Integrity requires that service and the public trust not be subordinated to personal gain and advantage. Objectivity and *independence* require that *members* be free from conflicts of interest in discharging professional responsibilities. Due care requires that services be provided with competence and diligence.
- .03** Each of these Principles should be considered by *members* in determining whether or not to provide specific services in individual circumstances. In some instances, they may represent an overall constraint on the nonaudit services that might be offered to a specific *client*. No hard-and-fast rules can be developed to help *members* reach these judgments, but they must be satisfied that they are meeting the spirit of the Principles in this regard.
- .04** In order to accomplish this, *members* should
 - a. Practice in *firms* that have in place internal quality control procedures to ensure that services are competently delivered and adequately supervised.
 - b. Determine, in their individual judgments, whether the scope and nature of other services provided to an audit *client* would create a conflict of interest in the performance of the audit function for that *client*.

of the breach such that the *firm* could issue an attest report. Failure to prepare the required documentation does not *impair independence* provided the *member* can demonstrate the *member* satisfactorily addressed the consequences of the breach and discussed the breach, the action taken, and key decisions made with *those charged with governance*, and as applicable, a professional body, relevant regulator, or oversight authority. However, failure to prepare the required documentation would be considered a violation of the “Compliance With Standards Rule” [1.310.001].

- .15 Refer to the “Unsolicited Financial Interests” interpretation [1.240.020] of the “Independence Rule” [1.200.001] for guidance on unsolicited financial interests.

Effective Date

- .16 This interpretation is effective March 31, 2016. Early implementation is allowed.

1.300 General Standards

1.300.001 General Standards Rule

- .01 A *member* shall comply with the following standards and with any *interpretations* thereof by bodies designated by *Council*:
- a. Professional Competence. Undertake only those *professional services* that the *member* or the *member's firm* can reasonably expect to be completed with professional competence.
 - b. Due Professional Care. Exercise due professional care in the performance of *professional services*.
 - c. Planning and Supervision. Adequately plan and supervise the performance of *professional services*.
 - d. Sufficient Relevant Data. Obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any *professional services* performed.
- (See appendix A, “*Council Resolution Designating Bodies to Promulgate Technical Standards*.”) [Prior reference: paragraph .01 of ET section 201]

Interpretations Under the General Standards Rule

1.300.005 Application of the Conceptual Framework for Members in Public Practice and Ethical Conflicts

- .01 In the absence of an *interpretation* of the “General Standards Rule” [1.300.001] that addresses a particular relationship or circumstance, a *member* should apply the “Conceptual Framework for Members in Public Practice” [1.000.010].
- .02 A *member* would be considered in violation of the “General Standards Rule” [1.300.001] if the *member* cannot demonstrate that *safeguards* were applied that eliminated or reduced significant *threats* to an *acceptable level*.
- .03 A *member* should consider the guidance in “Ethical Conflicts” [1.000.020] when addressing ethical conflicts that may arise when the *member* encounters obstacles to following an appropriate course of action. Such obstacles may be due to internal or external pressures or to conflicts in applying relevant professional or legal standards, or both. [No prior reference: new content]

Effective Date

- .04 Paragraphs .01 and .02 are effective December 15, 2015, and early implementation is allowed provided the member has implemented the revised code. Paragraph .03 is effective December 15, 2014.

EXHIBIT 3

IN RE: ALTA MESA §
RESOURCES, INC. § CASE NO. 4:19-cv-00957
SECURITIES LITIGATION §

1 VIDEOTAPED / REALTIMED DEPOSITION OF JEFFREY P.
2 KNUPP, produced as a witness at the instance of the
3 Defendants Alta Mesa Resources, and duly sworn, was
4 taken in the above styled and numbered cause on
5 Wednesday, the 14th day of June, 2023, from 9:37 a.m. to
6 5:03 p.m., before Pat English-Arredondo, CSR, RMR, CRR,
7 CLR, in and for the State of Texas, reported by
8 computerized stenotype machine in Remote Counsel
9 realtime, via Zoom, pursuant to the Federal Rules of
10 Civil Procedure and any provisions stated on the record
11 herein.

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Veritext Legal Solutions

CERTIFIED REALTIME / STENOGRAPHIC COURT REPORTER:

Ms. Pat English-Arredondo, CSR, RMR, CRR, CLR

Veritex Legal Solutions

1 MR. KELLEY: Okay. Thanks.

2 A. (Reviewing.) I see the exhibit.

3 (Previously marked was Exhibit No. 95.)

4 Q. (By Mr. Kelley) I would ask you if you
5 recognize it, but you're not on it. I will briefly
6 describe it for the record.

7 It's an email between Mr. Bourque and
8 Mr. Turner, Chappelle, Ellis and Cole at Alta Mesa.

9 Subject line is, "RE: Food for Thought."
10 And it describes the performance of some wells. First,
11 I should point out that it's dated June 6, 2017.

12 And it describes the performance of some
13 wells, along with their spacing and how they are
14 matching up against a type curve.

15 Do you see that data?

16 A. It's hard for me to read what the title of the
17 Y axis is. Could you read that for me on the exhibit?

18 Q. I'm looking at (as read): "Actual Order EUR
19 versus Type Oil EUR."

20 A. Okay.

21 Q. Does that make sense?

22 A. I think so.

23 Q. So my second column is Average Spacing. Third
24 column is Wells. And then there is a ratio going on
25 between spacing; there is 750. And then MBO shows how

1 much oil compared to what type they would spec out of
2 those wells.

3 Do you see that there?

4 A. I see those columns.

5 Q. Let's just focus on this column and row. Do
6 you see that?

7 A. I see that row.

8 Q. The average spacing there is 444 feet, and
9 they have got ten wells there.

10 Am I reading that correctly?

11 MR. PETERS: Objection, form.

12 A. That looks accurate.

13 Q. (By Mr. Kelley) So on the far right column,
14 EUR Per Type Curve, they have got .65 implying that
15 Bullis-Coleman, the well that is Bullis-Coleman, is
16 operating .65 -- excuse me, 65 percent of the type
17 curve.

18 Is that accurate?

19 MR. PETERS: Objection, form.

20 A. That appears to be my -- my interpretation of
21 this table.

22 Q. (By Mr. Kelley) Did TPH have access to this
23 data?

24 MR. PETERS: Objection, form.

25 A. I don't recall seeing this.

1 Q. (By Mr. Kelley) Did TPH request data like
2 this?

3 MR. BELELIEU: Object to the form.

4 A. I don't recall the data we requested. I
5 believe our data request list was submitted.

6 Q. (By Mr. Kelley) Is this the type of data that
7 would -- that TPH would request in order to assess
8 the -- in order to perform -- excuse me -- in order to
9 generate a valuation?

10 MR. PETERS: Objection to form.

11 MR. BELELIEU: Join.

12 A. So this appears to be a very specific
13 analysis. So we would request types of analysis. This
14 is a very specific and bespoke piece of work.

15 So I would not say that this is
16 a -- there is no way that this would be typical of
17 something that we request, because this is very specific
18 and unique.

19 Q. (By Mr. Kelley) If you received information
20 -- strike that.

21 If you received information that wells
22 that you received data to and generated type curves on
23 prior were operating well below their expected type
24 curves, would that prompt you to update those type
25 curves?

1 before the completion of the deposition.

2 I further certify that I am neither counsel for,
3 related to, nor employed by any of the parties or
4 attorneys in the action in which this proceeding was
5 taken, and further that I am not financially or
6 otherwise interested in the outcome of the action.

7 Certified to by me this 19th day of June, 2023.

8
9
10 *Pat English-Arredondo*
11

12 Pat English-Arredondo,
CSR (TX), RMR, CRR, CLR
Texas CSR 3828

13 Expiration Date: 4/30/2024

14 Independent Contract Reporter for:

Veritext Legal Solutions

15 Certificate No.: 571

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16 Fort Worth, Texas 76102

817.336.3042

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25 Job No. 5943865

Deposition Errata Sheet
Jeffrey Knupp
In re Alta Mesa Resources, Inc. Securities Litigation
Case No. 4:19-cv-00957 (S.D. Tex.)

I, JEFFREY KNUPP, do hereby declare that I have read the transcript of my testimony taken under oath on June 14, 2023 and that to the best of my knowledge, said testimony is true and accurate, with the exception of the following changes listed below:

Page	Line(s)	Change		Reason
		From	To	
18	3	I had an MBA from University of Texas	I have an MBA from University of Texas	Clarity
18	15	And when did you start Exxon?	And when did you start at Exxon?	Transcription error
19	16	determining how many wells to drill with	determining how many wells to drill	Clarity
24	4	which is really not technical work	which is arguably not technical work	Transcription error
30	11	So petrophysics analysis	So the petrophysics analysis	Transcription error
34	14	managing director at this time	managing director quite at this time	Transcription error
37	21	of the business combination.	Of the business combination?	Typographical error
38	15-16	information should probably be the VDRs	information that you recall would be in the VDRs	Transcription error
38	16	AFM	KFM	Transcription error
48	19	also	analysis	Transcription error
51	10	would you say, the space	we'll just say, the space	Transcription error

Page	Line(s)	Change		Reason
		From	To	
51	16	SW	S sub W	Transcription error
51	18	SW	S sub W	Transcription error
58	23	the saying	saying the	Transcription error
59	1	properties	porosities	Transcription error
63	6	it's gross thickness for the Osage	is gross thickness for the Osage	Typographical error
65	1	oil and gas production of oil	oil and gas production of a well	Transcription error
67	15	column over, Amberjack 2.0	column over, labeled Amberjack 2.0,	Transcription error
80	17	OIP	OIP	Typographical error
91	21	meaning	mean	Transcription error
95	20	well	as well	Transcription error
98	13	Oswego	Oswego OP	Transcription error
100	6	upside case were likely to occur	upside case were to occur	Clarity
102	12	were – was relevant to the work	were relevant to the work	Clarity
108	3	And what's the name of "completion techniques" in this context?	And what's the meaning of "completion techniques" in this context?	Transcription error

Page	Line(s)	Change		Reason
		From	To	
117	13	April 25, 2007 (sic/2017)	April 25, 2017	Clarity
134	9	And is it in same	And is it the same	Transcription error
135	15	in connection with this combination	in connection with the business combination	Transcription error
148	25	Knapp	Knupp	Transcription error
149	1	Jeff	Jack	Transcription error
149	14	Gibson & Dunn	Gibson Dunn	Clarity
162	20	ACH	Osage	Transcription error
167	1	they would spec	curve they would expect	Transcription error
167	5	this column and row	Bullis-Coleman row	Transcription error
185	4	portions	position	Transcription error
186	9	multiple-well VDR assessment	multiple-well EUR assessment	Transcription error

I declare under penalty of perjury that the foregoing is true and correct.

Date:

7-24-23

Signed:

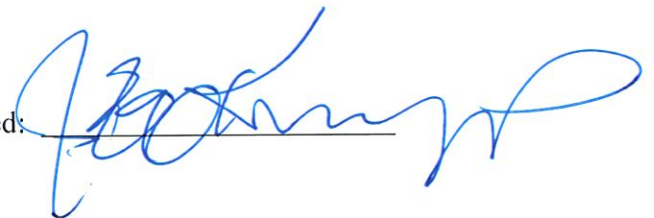


EXHIBIT 4

Project Amberjack Technical Review

June 2, 2017

Exhibit
Def. Ex. 36

TUDOR PICKERING
HOLT & CO | MEMBER OF

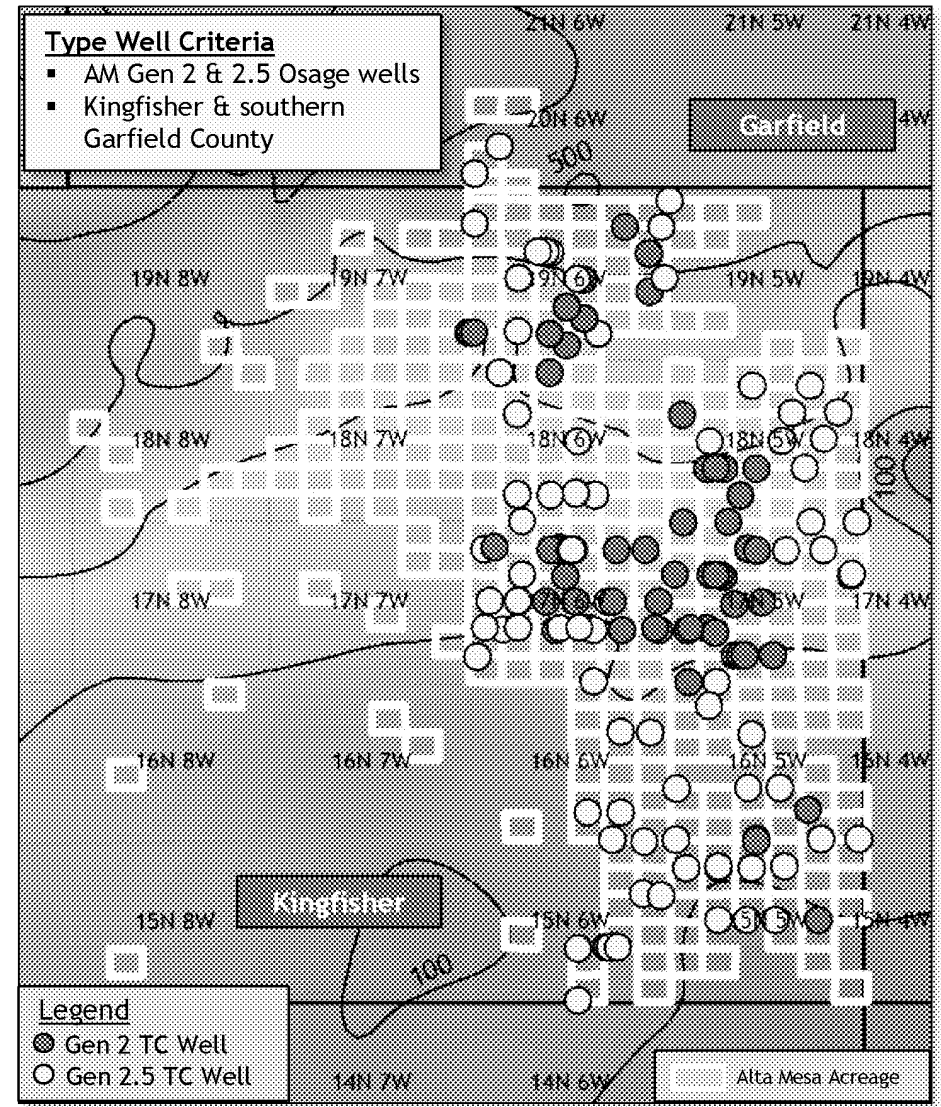
Reviewing Well Performance

Type Curve Development - Osage Gen 2

Gen 2 Type Curve Well List

Well ID	Well Name	Operator	Completion Date	Flow at completion		Pressure
				Initial	Final	Delta
1	Wakeman 1706 - 6-25Mh	Alta Mesa	5/15/2016	663	797	708
2	Vieth 1605 - 2-26Mh	Alta Mesa	6/16/2016	187	282	686
3	Todd 1706 - 6-4Mh	Alta Mesa	6/21/2016	722	1,209	686
4	Themer 1706 - 6-6Mh	Alta Mesa	5/21/2016	462	574	706
5	Shackelford 1705 - 5-31Mh	Alta Mesa	11/20/2015	359	673	707
6	Schilde 1706 - 3-15Mh	Alta Mesa	10/26/2015	668	674	699
7	Power 1705 - 2-16Mh	Alta Mesa	10/12/2015	212	424	679
8	Pool - 2-17H	Alta Mesa	7/31/2014	340	515	661
9	Paris 1706 - 5-28Mh	Alta Mesa	2/11/2016	326	441	686
10	Oswald 1705 - 5-28Mh	Alta Mesa	8/24/2015	458	481	711
11	Oswald 1705 - 4-28Mh	Alta Mesa	8/24/2015	388	906	695
12	Oswald 1705 - 6-28Mh	Alta Mesa	8/24/2015	485	601	674
13	Nelson 1805 - 4-18Mh	Alta Mesa	5/10/2016	227	284	643
14	Musick - 4-11H	Alta Mesa	10/23/2014	288	527	678
15	Mayes 1706 - 7B-16Mh	Alta Mesa	5/26/2016	359	482	706
16	Mayes 1706 - 3-16Mh	Alta Mesa	11/2/2015	527	732	625
17	Lincoln North Unit - 15-5H	Alta Mesa	1/7/2015	234	366	704
18	Lincoln North Unit - 13-3H	Alta Mesa	4/21/2014	444	629	588
19	Lincoln North Unit - 16-4H	Alta Mesa	1/7/2015	377	527	718
20	Lincoln North Unit - 15-4H	Alta Mesa	5/11/2014	273	374	411
21	Lincoln North Unit - 16-2H	Alta Mesa	7/13/2014	399	479	614
22	Lincoln North Unit - 16-3H	Alta Mesa	1/7/2015	312	430	697
23	Kilgore - 2-4H	Alta Mesa	8/18/2014	489	742	655
24	James 1706 - 5-26Mh	Alta Mesa	12/10/2015	559	535	705
25	Humphrey - 2-5H	Alta Mesa	10/16/2014	644	906	659
26	House - 4-13H	Alta Mesa	7/8/2014	175	252	709
27	Hoskins 1705 - 2-9Mh	Alta Mesa	10/17/2015	704	836	755
28	Hennessey East Unit - 233H	Alta Mesa	3/1/2016	389	589	703
29	Hennessey East Unit - 231H	Alta Mesa	3/1/2016	634	962	718
30	Hennessey East Unit - 221H	Alta Mesa	10/7/2014	371	521	691
31	Hennessey East Unit - 219H	Alta Mesa	3/19/2014	224	287	617
32	Hennessey East Unit - 217H	Alta Mesa	7/19/2014	268	337	675
33	Hennessey East Unit - 227H	Alta Mesa	3/26/2015	341	496	719
34	Hennessey East Unit - 232H	Alta Mesa	3/1/2016	210	253	711
35	Hennessey East Unit - 218H	Alta Mesa	7/24/2014	165	226	491
36	Hennessey East Unit - 220H	Alta Mesa	10/10/2014	344	440	603

Type Curve Well Map



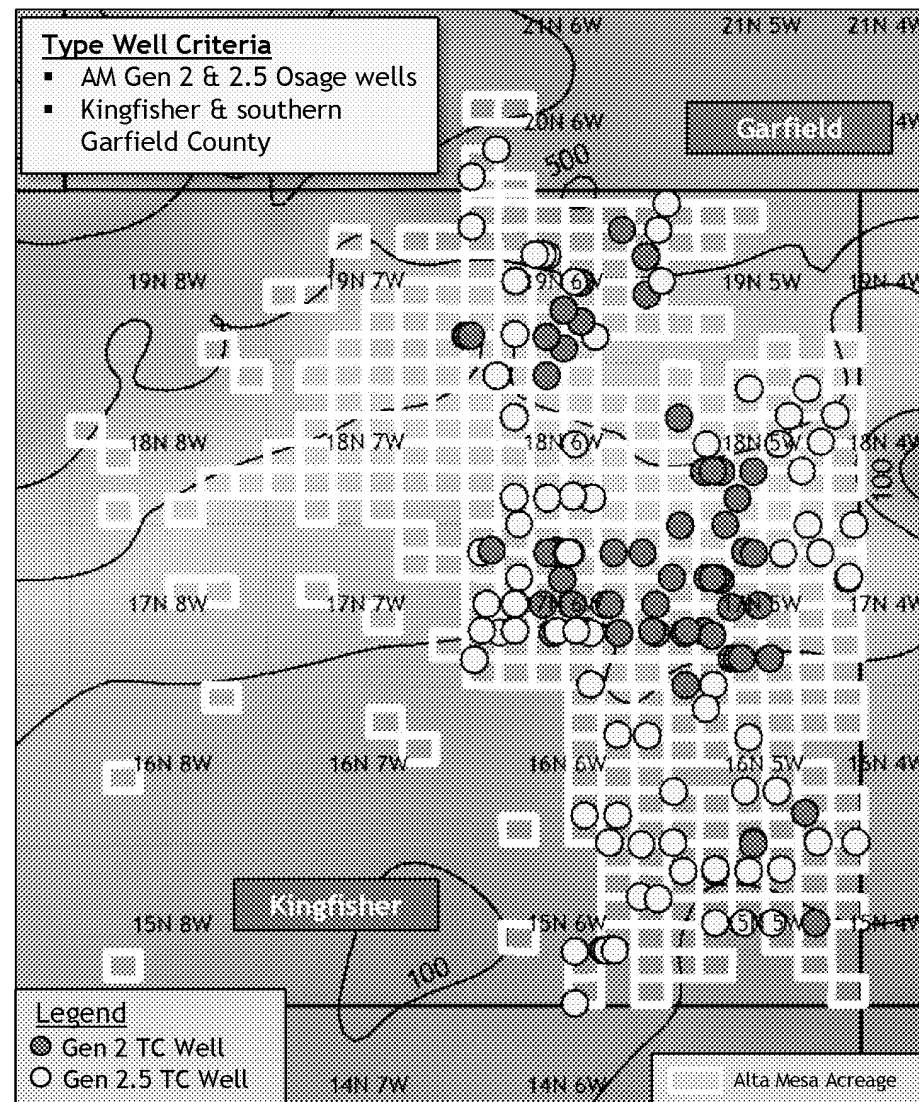
Reviewing Well Performance

Type Curve Development - Osage Gen 2 (cont'd)

Gen 2 Type Curve Well List

Well ID	Well Name	Operator	Completion Date	Flow Rate (bbl/d)		Pressure (psi)
				Initial	Final	
37	Hennessey East Unit - 223H	Alta Mesa	11/4/2014	60	91	620
38	Hennessey East Unit - 222H	Alta Mesa	11/7/2014	266	334	759
39	Hennessey East Unit - 226H	Alta Mesa	3/24/2015	266	366	690
40	Hennessey East Unit - 230H	Alta Mesa	3/1/2016	209	292	708
41	Heller - 5-33H	Alta Mesa	3/15/2014	253	333	367
42	Helen 1605 - 5-33Mh	Alta Mesa	2/1/2016	337	438	732
43	Freeman 1706 - 3-14Mh	Alta Mesa	9/19/2015	354	776	711
44	Foster 1706 - 5-24Mh	Alta Mesa	4/21/2016	494	522	751
45	Dodd 1705 - 3-8Mh	Alta Mesa	5/18/2015	451	514	690
46	Cronkite 1505 - 4-14Mh	Alta Mesa	4/16/2016	235	377	736
47	Copeland - 4-20H	Alta Mesa	6/18/2014	605	834	669
48	Coleman 1706 - 4-9Mh	Alta Mesa	11/6/2015	631	787	723
49	Burpo 1705 - 2-7Mh	Alta Mesa	1/23/2015	641	901	609
50	Borelli 1705 - 5-8Mh	Alta Mesa	5/18/2015	652	823	664
51	Borelli 1705 - 4-8Mh	Alta Mesa	5/18/2015	921	1,165	692
52	Bollenbach 1705 - 2-27 Mh	Alta Mesa	9/12/2015	379	518	1,030
53	Bollenbach 1705 - 6-30Mh	Alta Mesa	11/17/2015	727	1,053	708
54	Bollenbach 1705 - 4-21Mh	Alta Mesa	9/6/2015	340	534	690
55	Bollenbach 1705 - 2-29H	Alta Mesa	5/27/2014	554	738	714
56	Beyer - 4-6H	Alta Mesa	9/25/2014	736	838	496
57	Bates 1706 - 3-12Mh	Alta Mesa	9/25/2015	403	572	709
58	Ash 1705 - 3-19Mh	Alta Mesa	3/5/2015	549	878	660
59	Airheart 1505 - 5-4Mh	Alta Mesa	6/10/2016	147	243	715

Type Curve Well Map



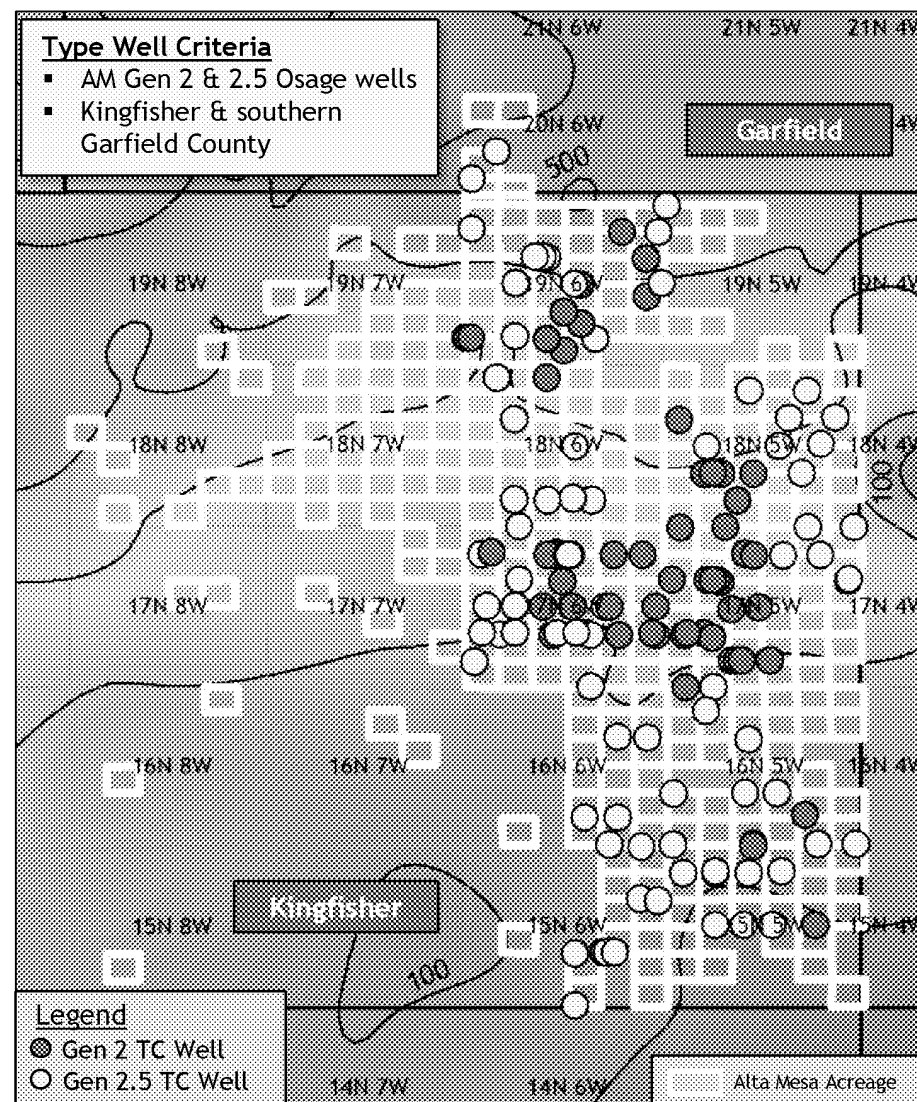
Reviewing Well Performance

Type Curve Development - Osage Gen 2.5

Gen 2.5 Type Curve Well List

				Peak Flow Rate		Original
	Well Name	Completion Date	Peak Flow Rate (bbl/d)	Peak Flow Rate (mcf/d)	Original (bbl/d)	
1	Yellowstone 1505 - 4-8Mh	Alta Mesa	1/11/2017	430	583	1,263
2	Wishbone 1805 - 5-4Mh	Alta Mesa	11/22/2016	51	65	1,406
3	White Rabbit 1506 - 2-27Mh	Alta Mesa	11/7/2016	441	539	1,225
4	White King 1506 - 1-12Mh	Alta Mesa	2/16/2017	NA	NA	1,278
5	Weber 1806 - 3-22Mh	Alta Mesa	10/21/2016	102	154	1,230
6	Vadder 1805 - 2-12Rmh	Alta Mesa	10/18/2016	388	592	1,298
7	Tullamore 1706 - 4-7Mh	Alta Mesa	7/25/2016	465	600	725
8	Trindle 1706 - 2B-31Mh	Alta Mesa	7/8/2016	170	330	716
9	Three Wood 1505 - 4-17Mh	Alta Mesa	8/31/2016	369	544	1,467
10	Steele 1806 - 1-34Rmh	Alta Mesa	4/14/2017	NA	NA	NA
11	Spey side 1606 - 1-27Mh	Alta Mesa	1/0/1900	NA	NA	NA
12	Shiner 1505 - 1-3Mh	Alta Mesa	3/31/2017	NA	NA	1,242
13	Shimank 1906 - 2-6Mh	Alta Mesa	8/25/2016	231	250	1,257
14	Scout 1906 - 1-34Mh	Alta Mesa	1/0/1900	NA	NA	NA
15	Savgrass 1705 - 1-32Mh	Alta Mesa	2/16/2017	NA	NA	1,513
16	Sadiebug 1606 - 1-35Mh	Alta Mesa	1/0/1900	NA	NA	NA
17	Rudd 1605 - 2A-5Mh	Alta Mesa	7/3/2016	396	571	672
18	Rigdon 1705 - 6-11Mh	Alta Mesa	9/29/2016	653	742	1,451
19	Redbreast 1505 - 4-7Mh	Alta Mesa	11/16/2016	342	549	1,270
20	Red Queen 1506 - 1-1Mh	Alta Mesa	2/9/2017	NA	NA	1,265
21	Ray 1605 - 3-27Mh	Alta Mesa	4/7/2016	210	579	694
22	Pollard 1805 - 3-2Mh	Alta Mesa	10/3/2016	93	141	1,461
23	Pinehurst 1706 - 5-5Mh	Alta Mesa	9/8/2016	543	689	1,309
24	Pear 1606 - 1-26Mh	Alta Mesa	1/0/1900	NA	NA	NA
25	Opus One 1605 - 1-35Mh	Alta Mesa	1/0/1900	NA	NA	NA
26	Ohmanns 1805 - 6-14Mh	Alta Mesa	10/11/2016	561	772	1,374
27	Odie 1606 - 1-12Mh	Alta Mesa	4/9/2017	NA	NA	1,244
28	Oak Tree 1605 - 2-30Mh	Alta Mesa	8/11/2016	688	887	999
29	Nicklaus 1706 - 1-29Mh	Alta Mesa	1/15/2017	97	110	1,296
30	Motorhead 1706 - 4-20Mh	Alta Mesa	4/4/2017	NA	NA	1,295
31	Mitchell 1806 - 2B-27Mh	Alta Mesa	10/14/2016	393	495	1,309
32	McNulty 1806 - 1-33Mh	Alta Mesa	1/0/1900	NA	NA	NA
33	Matheson 1705 - 5-10Mh	Alta Mesa	7/16/2016	527	675	699
34	Martin 1505 - 4-9Mh	Alta Mesa	8/9/2016	250	438	993
35	Maly - 30-M4H	Alta Mesa	3/7/2017	NA	NA	1,125
36	Mad Hatter 1506 - 2-34Mh	Alta Mesa	10/28/2016	316	343	1,258
37	Macallan 1806 - 4-17Mh	Alta Mesa	3/24/2017	NA	NA	1,228
38	Lankard 1706 - 6-34Mh	Alta Mesa	8/17/2016	1,109	1,808	1,048
39	Huntsman 1506 - 1-23Mh	Alta Mesa	2/27/2017	NA	NA	1,306
40	Huntsman 1506 - 3-23Mh	Alta Mesa	2/27/2017	NA	NA	1,310
41	Huntsman 1506 - 2-23Mh	Alta Mesa	2/27/2017	NA	NA	1,372
42	Huntsman 1506 - 4-23Mh	Alta Mesa	2/27/2017	NA	NA	1,299
43	Hennessey East Unit - 237H	Alta Mesa	1/0/1900	NA	NA	NA
44	Hennessey East Unit - 240H	Alta Mesa	1/0/1900	NA	NA	NA

Type Curve Well Map



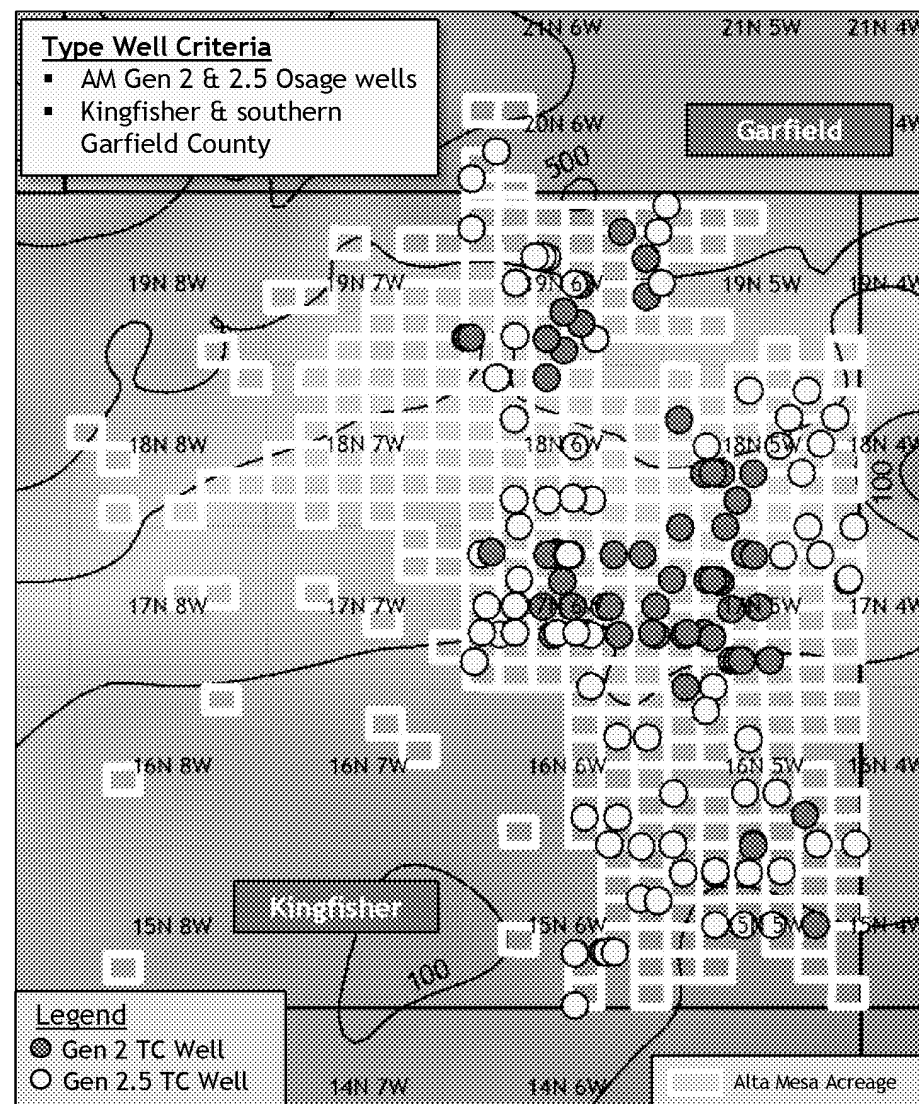
Reviewing Well Performance

Type Curve Development - Osage Gen 2.5 (cont'd)

Gen 2.5 Type Curve Well List

Well ID	Well Name	Operator	Completion Date	Production Data		Notes
				Q ₁	Q ₂	
45	Hennessey East Unit - 234H	Alta Mesa	3/27/2016	241	256	749
46	Hennessey East Unit - 235H	Alta Mesa	4/1/2016	461	548	712
47	Hennessey East Unit - 239H	Alta Mesa	1/0/1900	NA	NA	NA
48	Hennessey East Unit - 241H	Alta Mesa	1/0/1900	NA	NA	NA
49	Hennessey East Unit - 228H	Alta Mesa	2/2/2017	NA	NA	1,828
50	Hennessey East Unit - 216H	Alta Mesa	3/15/2017	NA	NA	1,235
51	Hawk 1906 - 7-13Mh	Alta Mesa	7/22/2016	226	1,092	987
52	Hasley 1605 - 1-28Mh	Alta Mesa	1/0/1900	NA	NA	NA
53	Gregory 1705 - 6-1Mh	Alta Mesa	9/12/2016	204	381	1,398
54	Gilbert 1706 - 6-21Mh	Alta Mesa	5/30/2016	381	697	748
55	Garrett 1605 - 6A-36Mh	Alta Mesa	6/26/2016	183	271	656
56	Freeman 1706 - 3-14Rmh	Alta Mesa	1/0/1900	NA	NA	NA
57	Francis 1706 - 5-8Mh	Alta Mesa	2/25/2016	502	763	704
58	Fowler 1906 - 1-12Mh	Alta Mesa	1/0/1900	NA	NA	NA
59	Fazio 1705 - 1-13Mh	Alta Mesa	2/27/2017	NA	NA	1,283
60	Farrar 1806 - 1-32Mh	Alta Mesa	1/0/1900	NA	NA	NA
61	Exaggerator 1805 - 1-10Mh	Alta Mesa	1/0/1900	NA	NA	NA
62	Evelyn 1706 - 5-18Mh	Alta Mesa	7/18/2016	752	964	687
63	Elling 1505 - 2-15Mh	Alta Mesa	3/17/2016	129	205	665
64	Edwin 1805 - 4-22Mh	Alta Mesa	11/1/2016	425	619	1,238
65	Dixon 1505 - 3-16Mh	Alta Mesa	8/15/2016	390	559	1,017
66	Dalwhinnie 1605 - 1-31Mh	Alta Mesa	4/17/2017	NA	NA	NA
67	Dalmore 1706 - 4-17Mh	Alta Mesa	9/16/2016	289	362	1,435
68	Crosswhite 1805 - 3-20Mh	Alta Mesa	3/19/2016	290	349	693
69	Coleman 1706 - 5A-9Mh	Alta Mesa	12/2/2016	262	336	1,314
70	Coleman 1706 - 6B-9Mh	Alta Mesa	12/2/2016	222	321	1,243
71	Coleman 1706 - 5B-9Mh	Alta Mesa	12/2/2016	173	251	1,271
72	Coleman 1706 - 7A-9Mh	Alta Mesa	12/2/2016	270	502	1,253
73	Coleman 1706 - 6A-9Mh	Alta Mesa	12/2/2016	276	478	1,265
74	Cleveland 1805 - 2-26Mh	Alta Mesa	4/14/2016	420	533	763
75	Clark 1705 - 5-12Mh	Alta Mesa	9/18/2016	893	1,178	1,504
76	Cheshire Cat 1506 - 1-13Mh	Alta Mesa	1/0/1900	NA	NA	NA
77	Bullis 1706 - 2A-10Mh	Alta Mesa	12/2/2016	250	429	1,276
78	Bullis 1706 - 1A-10Mh	Alta Mesa	12/2/2016	77	151	1,246
79	Bullis 1706 - 1B-10Mh	Alta Mesa	12/2/2016	171	263	1,261
80	Bugaboo 2006 - 1-31Mh	Alta Mesa	1/0/1900	NA	NA	NA
81	Brown 1706 - 6-27Mh	Alta Mesa	2/17/2016	727	1,083	726
82	Boecher 1706 - 4-19Mh	Alta Mesa	8/2/2016	521	795	1,003
83	Best Thirty 1505 - 1-5Mh	Alta Mesa	1/26/2017	NA	NA	1,528
84	Barbara 1706 - 3-22Mh	Alta Mesa	9/25/2016	388	478	1,452
85	Augusta 1905 - 1-6Mh	Alta Mesa	1/4/2017	227	297	1,253
86	Alicia 1705 - 1-2Mh	Alta Mesa	1/0/1900	NA	NA	NA
87	Aces High 1606 - 4-11Mh	Alta Mesa	1/0/1900	NA	NA	NA
88	Aberfeldy 1605 - 4-16Mh	Alta Mesa	1/0/1900	NA	NA	NA

Type Curve Well Map



Reviewing Well Performance

Type Curve Development - Meramec

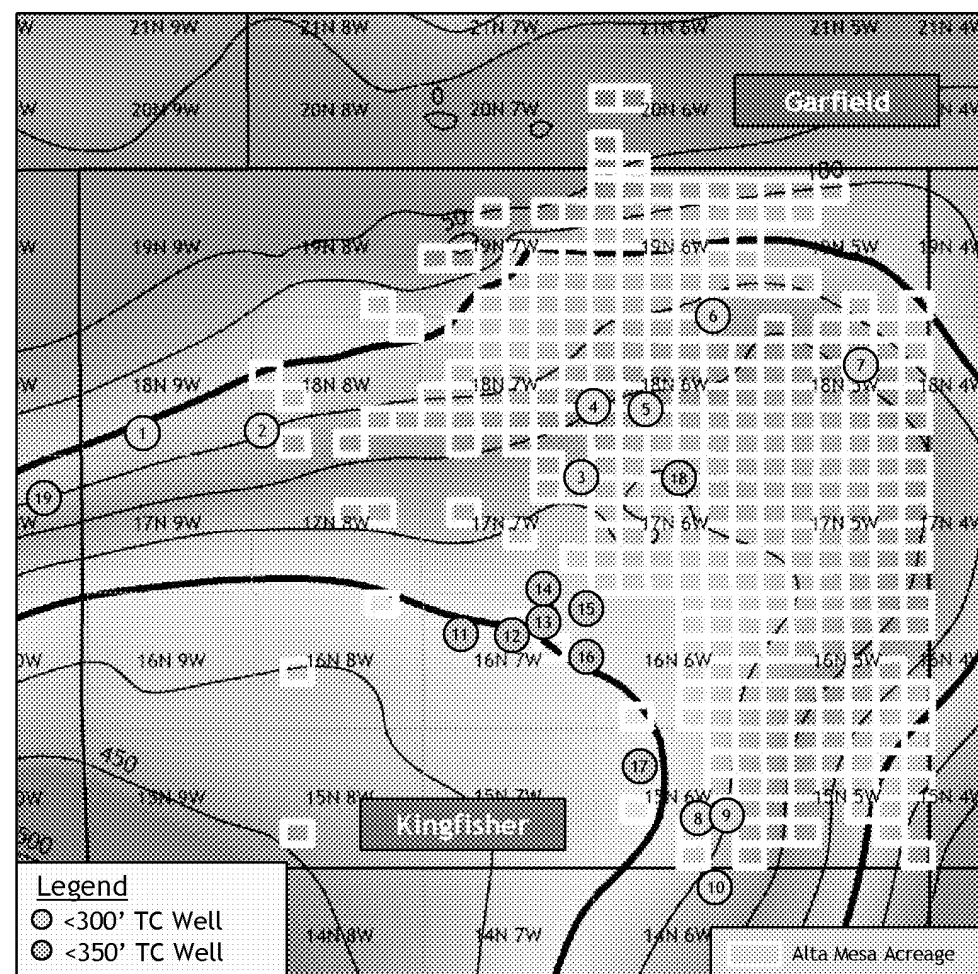
Type Curve Well List

	Well Name	Operator	Drill Date	Peak Month Rate		Program
				2013	2014	
1	Bighorn 18-09-33 - 1H	Staghorn	9/15/2016	734	976	2,800
2	Geis - 31-1H	Gastar	12/15/2016	270	284	2,312
3	The Dude 1707 - 1Umh-12	Chaparral	5/13/2016	370	486	NA
4	Deep River - 30-1Mh	Gastar	11/28/2015	386	653	2,423
5	Ingle - 29-1H	Gastar	12/14/2016	195	252	3,118
6	Holiday Road - 2-1H	Gastar	5/16/2016	214	255	2,495
7	Chital 18-05-15 - 1H	Staghorn	12/24/2016	96	116	2,430
8	Huntsman 1506 - 2-23Mh	Alta Mesa	2/27/2017	NA	NA	1,372
9	Huntsman 1506 - 4-23Mh	Alta Mesa	2/27/2017	NA	NA	1,299
10	Moffat 1406 - 1-2Mh	Payrock	6/14/2015	365	404	1,607
11	Yost 1607 - 1-8Mh	Marathon	11/18/2015	1,575	1,964	2,525
12	Ruzek - 1H-3X	Newfield	8/17/2016	614	838	2,500
13	Beecher 1607 - 1-11Mh	Payrock	10/25/2015	468	1,210	2,498
14	Wile E Coyote - 1-2Mh	Marathon	4/10/2016	436	679	2,610
15	Hansens 1607 - 1-12Mh	Payrock	7/20/2015	667	1,124	1,726
16	Williams 1607 - 1-24Mh	Marathon	1/11/2016	372	474	2,415
17	Eve 1506 - 1-17Mh	Marathon	1/16/2015	748	864	1,688
18	Bullis 1706 - 2A-10Mh	Alta Mesa	12/2/2016	250	429	1,276
19	Rincoon - 14-3H	Devon	6/4/2015	693	760	652

Type Well Criteria

- Meramec Wells 2013+ drilled in <300' thickness
- <0.5 psig pressure gradient
- Black oil window (5,000 GOR)
- Alta Mesa Gen 2 & 2.5

Type Curve Well Map



Reviewing Well Performance

Type Curve Development - Oswego

Type Curve Well List

	Well Name	Operator	Completion Date	Peak Month Rate		Fracture Length
				2015	2016	
1	Tomahawk - 7-1H	Gastar	10/15/2016	271	271	NA
2	Hennessey Unit - 2-9H Os	Blake	3/6/2015	104	116	117
3	Hennessey Unit - 2-11H Os	Blake	2/11/2014	227	227	NA
4	Hennessey Unit - 3-4H Os	Blake	11/30/2013	75	75	NA
5	Hennessey Unit - 1-9H Os	Blake	1/5/2015	95	95	130
6	Hennessey Unit - 1-11H Os	Blake	12/29/2013	341	341	NA
7	Hennessey Unit - 1-3H Os	Blake	2/5/2015	120	125	45
8	Hennessey Unit - 3-11H Os	Blake	4/4/2014	103	103	NA
9	Hennessey Unit - 1-2H Os	Blake	9/3/2014	257	257	283
10	Hennessey Unit - 2-3H Os	Blake	9/3/2014	215	215	117
11	Dover Unit 1807 - 10h-11	Chaparral	10/19/2014	161	161	120
12	Dover Unit (Trifecta) 1807 - 20h-14-11	Chaparral	1/1/2015	776	776	154
13	Dover Unit (Triad) - 10h-12	Chaparral	6/11/2014	275	275	277
14	Dover Unit (Trifecta) - 10h-14	Chaparral	4/30/2014	673	673	81
15	Dover Unit (Triad) 1807 - 20h-12-1	Chaparral	8/27/2015	428	489	81
16	Dover Unit (Triton) 1807 - 10h-15	Chaparral	11/16/2015	249	304	87
17	Hennessey Unit - 1-10H Os	Blake	5/5/2014	114	114	122
18	Dover Unit (Lithium) - 10h-28	Chaparral	5/20/2014	248	268	93
19	Dover Unit (Tripoli) 1807 - 20h-22	Chaparral	11/5/2015	230	277	97
20	Dover Unit (Callisto) 1807 - 10h-23	Chaparral	12/30/2014	281	281	121
21	Dover Unit - 10h-24	Chaparral	8/27/2013	696	765	119
22	Dover Unit (Titania) 1807 - 10h-13	Chaparral	9/4/2015	349	358	95
23	Emmerich 30-18-6 - 1H	Chesapeake	3/4/2015	100	139	117
24	Sydena 1807 - 10h-29	Chaparral	2/28/2016	226	226	116
25	Hughes Trust 33-18-7 - 1H	Chesapeake	4/30/2015	1,064	1,172	NA
26	Hennessey East Unit - 224H-O	Alta Mesa	9/10/2014	37	25	309
27	Hasty 3-18-6 - 1H	Chesapeake	8/1/2016	878	1,013	NA
28	Farrar 11-18-6 - 1H	Chesapeake	9/5/2016	722	806	NA
29	Anderson 21-18-6 - 3H	Chesapeake	2/3/2015	92	115	134
30	Mueggenborg 7-17-6 - 1H	Chesapeake	6/30/2016	614	689	NA
31	Lincoln North Unit - 60-3Ho	Alta Mesa	10/10/2016	NA	NA	391
32	Lincoln Southeast Oswego Unit - 89-2H	Alta Mesa	5/31/2014	216	271	321

Type Curve Well Map

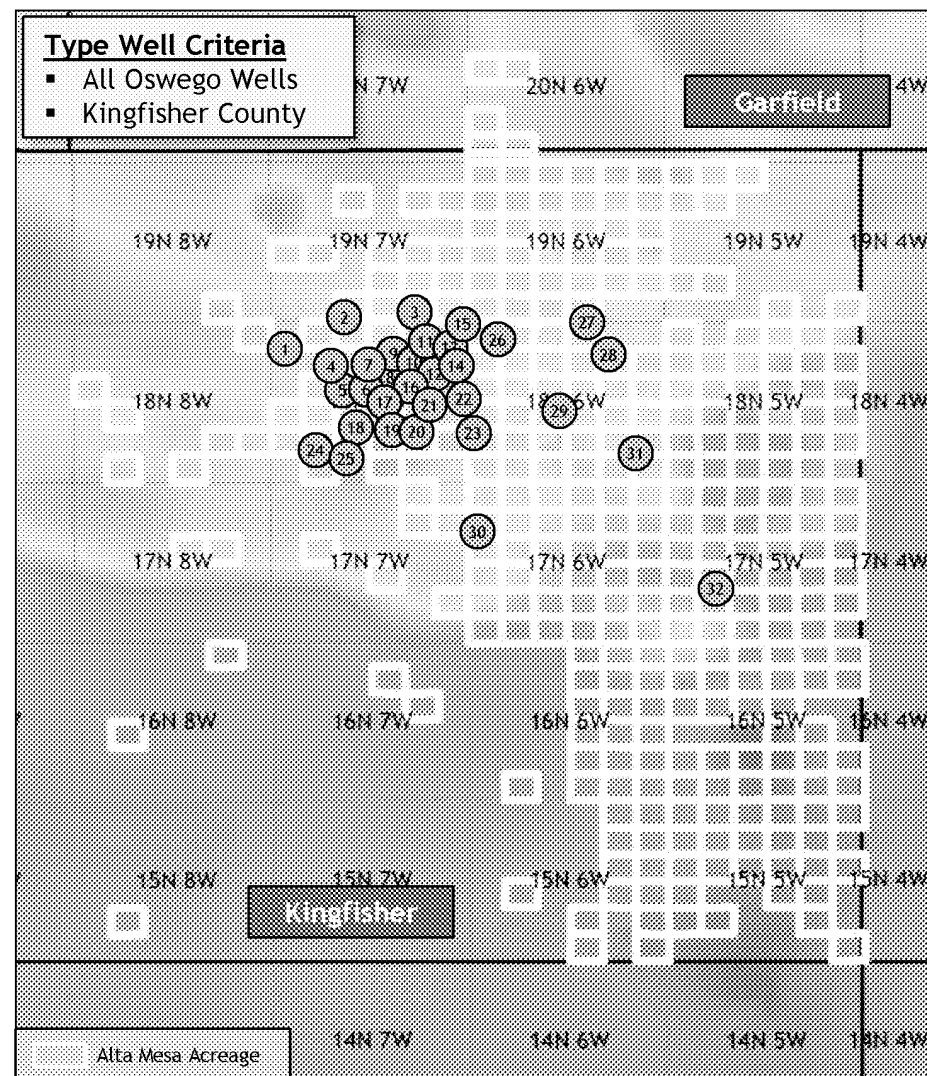


EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: ALTA MESA

RESOURCES, INC., Case No.: 4:19-cv-00957

SECURITIES LITIGATION

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Video-recorded deposition of D. PAUL REGAN, at
Latham & Watkins, LLP, 505 Montgomery Street,
Suite 2000, San Francisco, California,
commencing at 9:29 a.m. PDT, Thursday, November
2, 2023, before Lorrie L. Marchant, California
CSR No. 10523.

Stenographically reported by:

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Also present:

Keigo Painter, Videographer

Dan Acosta, Veritext Concierge (via Zoom)

Steve McBride, Cornerstone Research

(via Zoom)

Jean-Philippe Poissant, Cornerstone

Research (via Zoom)

---oOo---

1 100 percent my being hired by the big six or big
2 four, but I didn't testify for them after that.

3 I have testified for regional and smaller
4 national firms since then. But a lot of my work has
5 been on the plaintiffs' side when it involves
6 accounting firms since the MiniScribe trial.

7 But I continue to do where I -- I think
8 it's about 40 percent for defendants and 60 percent
9 for plaintiff.

10 BY MS. WALLER:

11 Q. Who retained you in this matter?

12 A. The plaintiffs' counsel.

13 Q. When were you first retained?

14 A. We were retained in the spring of 2021.

15 Q. Which firm reached out to you first?

16 A. My understanding is that the Labaton firm
17 reached out to us first.

18 Q. Have you worked with the Labaton firm
19 before?

20 A. Me personally, I worked with the Labaton
21 firm in the countrywide litigation.

22 I don't have a recollection of working with
23 the Labaton firm other than in this case or in the
24 countrywide litigation.

25 Q. How about Robbins Geller Hopkins [sic]?

1 Have you testified for Robbins Geller -- been
2 retained as an expert by Robbins Geller?

3 A. I've probably testified for Robbins Geller
4 in -- something in the neighborhood of ten times.

5 Q. Have you been retained as an expert by
6 Robbins Geller more than ten times?

7 A. I don't know that it's more than ten times
8 that I've been retained as an expert by
9 Robbins Geller. That's different -- typically I'm
10 retained by Robbins as a consultant. And at some
11 point during my work on a case, I may be designated
12 as an expert. And that designation and service as
13 an expert I don't think is more than ten times.

14 Q. When did you start drafting the report
15 that's Defendants' Exhibit 47?

16 A. Approximately April of 2023.

17 Q. And did you personally draft the report?

18 A. I worked on drafting the report with others
19 in -- actually with Greg Regan. Greg Regan and I
20 drafted the report.

21 Q. Any relation?

22 A. He's my son.

23 MS. WALLER: I'm going to mark, Henry,
24 Tab 71. I think it's Defendants' Exhibit 51.

25 ///

1 (Marked for identification purposes,
2 Exhibit 51.)

3 BY MS. WALLER:

4 Q. Do you recognize Defendants' Exhibit 51,
5 Mr. Regan?

6 A. No, I don't. I --

7 Q. You've never seen this before?

8 A. I know that the numbers -- this represents
9 something during our work on this report. It's not
10 the numbers which -- which I was provided subsequent
11 to the production of this document.

12 Q. So just to be clear, you don't think this
13 accurately represents the hours spent on the report
14 that has been produced in this case?

15 A. Well, I know that my hours are
16 approximately 180.

17 Greg's hours are -- Greg Regan's hours are
18 slightly in excess of 450.

19 (Simultaneous speakers - unclear.)

20 BY MS. WALLER:

21 Q. Sorry.

22 A. Travis's hours, I think, have remained
23 about what's seen on this document.

24 Q. Let me try and clarify because it might be
25 a time-period question.

1 So are -- this document was produced to us
2 shortly after your report was produced in August.
3 Are you referencing, when you were just saying your
4 hours are 180, time on your report and anything
5 after your report was served in August?

6 A. I'm referencing a document that I received
7 last week, because I wanted to know the hours that
8 I've spent on this matter, the hours that others
9 have spent on this matter as -- from start to
10 finish.

11 I hadn't seen this document before. I
12 don't know when it was prepared or who prepared it.

13 MS. WALLER: We can talk about it
14 afterwards. Just checking to see if this is an
15 accurate --

16 MR. SCHOCHET: Sure, m-hm.

17 MS. WALLER: -- reflection of the
18 information that was supposed to be provided.

19 BY MS. WALLER:

20 Q. So you think that you've spent a total of
21 180 hours on this matter?

22 A. Approximately, yes.

23 Q. And you said Greg, your son, was at -- in
24 excess of 450?

25 A. Approximately 450, yes.

1 Q. Who are the other individuals,
2 Travis Armstrong and Perry Carter?

3 A. Travis is another one of my partners.
4 Perry Carter is an associate.

5 And there's an intern that did some work on
6 this matter.

7 Q. What was the responsibility of your son for
8 purposes of his work on this matter?

9 A. My recollection is that Greg had the
10 original contact in connection with this matter,
11 spent time on this case, gathering documents,
12 assisting with some depositions that were taken.

13 Q. What do you mean by assisting with
14 depositions taken?

15 A. Assisting counsel and identifying documents
16 and areas in which witnesses would be asked
17 questions about such documents, discussing with
18 counsel the areas of importance to ask those
19 witnesses.

20 And then Greg and I met, and we began to
21 outline the issues in the case and to structure an
22 outline of what our report should discuss. We went
23 over key documents.

24 After we decided the structure of the
25 report, he would prepare portions.

1 I would meet with him. I would look at the
2 documents, edit the reports, suggest changes.

3 Greg would consider those comments.

4 And the report eventually was fleshed out
5 and finalized. And I think it's in August 2023.

6 Q. Is Greg a CPA?

7 A. Yes. He's been a CPA for -- I haven't
8 looked at his CV lately, but it's probably 20 years.

9 He's also a CFF. He's partner in charge of
10 our litigation practice and has testified many times
11 around the country.

12 Q. Take a look at the Appendix B-1 in your
13 report, the Documents Considered.

14 Does Appendix B-1 contain all of the
15 materials that you considered in forming your
16 opinions?

17 A. Yes.

18 Q. Are there any documents that were produced
19 in this litigation that you reviewed that you did
20 not include on your Documents Considered list?

21 A. I don't -- I'm not aware of any such
22 documents.

23 Q. The first case filing is "Alta Mesa Request
24 For Admission."

25 Do you -- do you know, is that responses to

1 requests for admission or just the requests
2 themselves?

3 A. I think that's likely to be both.

4 Q. Did you personally review the plaintiffs'
5 responses to the defendants' requests for admission?

6 A. In my discussions with Greg, I have a
7 recollection of discussing requests for admissions
8 and responses.

9 So I have a recollection that I became
10 aware of responses to certain of the requests.

11 Q. Did any of -- did you take into account any
12 of the responses where plaintiffs admitted facts in
13 response to those requests for admission -- did you
14 take those into account in your opinions?

15 A. Where plaintiffs responses?

16 Q. Where plaintiffs admitted facts in their
17 responses to the requests for admission, did you
18 take those admissions into account in your opinions
19 in this case?

20 A. As I sit here today, I don't have a
21 recollection of that. I don't have a recollection
22 that any of -- that any were relevant to my
23 opinions.

24 Q. Were any of them contrary to the opinions
25 that you offered in this case?

1 A. I don't have a present recollection of
2 that.

3 Q. Did you review any of the filings from
4 Alta Mesa's bankruptcy?

5 A. I don't recall that.

6 Q. Are you aware of the findings that were
7 made by Judge Isgur in the bankruptcy matter for
8 Alta Mesa?

9 A. I don't have a -- I don't have a personal
10 recollection of that.

11 Q. Do you have any understanding whether any
12 of his findings are contrary to your opinions in
13 this case?

14 A. I'm not aware that they are.

15 Q. You didn't take his findings into
16 consideration in your opinion?

17 A. I don't have a recollection of doing that.

18 Q. How did you determine which depositions to
19 review?

20 A. Based on -- the depositions that I reviewed
21 are listed on the first page of Appendix B-1. And
22 based on -- or my recollection is based upon the
23 original depositions.

24 Documents were introduced. People were
25 identified as relating to facts and circumstances

STENOGRAPHER'S CERTIFICATE

I, LORRIE L. MARCHANT, a Certified Shorthand Reporter, holding a valid and current license issued by the State of California, CSR No. 10523, duly authorized to administer oaths, do hereby certify:

That the witness in the foregoing deposition was administered an oath to testify to the whole truth in the within-entitled cause.

That said deposition was taken down by me in shorthand at the time and place therein stated and thereafter transcribed into typewriting, by computer, under my direction and supervision to the best of my ability.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.

I further certify that I am neither counsel for nor related to any party in the foregoing deposition and caption named nor in any way interested in the outcome thereof.

THE DISMANTLING, UNSEALING, OR UNBINDING OF THE ORIGINAL TRANSCRIPT WILL RENDER THE REPORTER'S CERTIFICATE NULL AND VOID.

In WITNESS WHEREOF, I have hereunto set my hand this November 6, 2023.



LORRIE L. MARCHANT, RMR, CRR, CCRR, CRC
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